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## United States Department of Agriculture.

### SERVICE AND REGULATORY ANNOUNCEMENTS.

#### BUREAU OF CHEMISTRY.

#### SUPPLEMENT.

N. J. 10401-10450.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., August 29, 1922.]

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

**10401. Misbranding of cottonseed cake. U. S. \* \* \* v. Tyler Cotton Oil Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 12364. I. S. No. 11963-r.)**

At the January, 1921, term of the United States District Court within and for the Eastern District of Texas the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the District Court aforesaid an information against the Tyler Cotton Oil Co., a corporation, Tyler, Tex., alleging shipment by said company, on or about December 7, 1918, in violation of the Food and Drugs Act, as amended, from the State of Texas into the State of Kansas, of a quantity of cottonseed cake which was misbranded. The article was labeled in part: (On one tag) "100 Lbs. Gross, 99 Lbs. Net \* \* \*"; (on another tag) "100 Pounds (Net) Ordinary Cotton Seed Cake Manufactured by Tyler Cotton Oil Company, Tyler, Texas. \* \* \*."

Examination of 25 sacks from the consignment, by the Bureau of Chemistry of this department, showed that the average net weight of the sacks examined was 97.95 pounds.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "100 Lbs. Gross" and "99 Lbs. Net," borne on one of the tags attached to the sacks containing the article, and the statement, to wit, "100 Pounds (Net)," borne on the other tag attached to the said sacks, regarding the said article, were false and misleading in that they represented that each of the said sacks weighed 100 pounds gross and contained 99 pounds net, and that each of the said sacks contained 100 pounds net of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said sacks weighed 100 pounds gross and contained 99 pounds net, and that each of the said sacks contained 100 pounds net of the article, whereas, in truth and in fact, each of the said sacks did not weigh 100 pounds gross and did not contain 99 pounds net of the article, and each of the said sacks did not contain 100 pounds net of the said article, but each of said sacks did weigh less than 100 pounds gross and did contain less than 99 pounds net of the said article. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 25, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10402. Adulteration of ice cream cones. U. S. \* \* \* v. 704 Cases of Ice Cream Cones \* \* \* . Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 12416. I. S. No. 228-r. S. No. E-2122.)**

On May 8, 1920, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 704 cases of ice cream cones, remaining in the original unbroken packages at Columbia, S. C., consigned by the Roberts Cone Mfg. Co., St. Joseph, Mo., September 27, 1918, alleging that the article had been shipped from St. Joseph, Mo., and transported from the State of Missouri into the State of South Carolina, and charging adulteration in violation of the Food and Drugs Act. The article was labeled, (on package) "Roberts Goodie Cones."

It was alleged in substance in the libel that the article was adulterated in that it consisted of a filthy, decomposed, and putrid vegetable substance.

On August 20, 1920, Armour & Co., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the product be marked or stamped "Not for human food." The product was subsequently used as hog feed.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10403. Misbranding of Lafayette blackberry cordial. U. S. \* \* \* v. The Lafayette Co., a Corporation. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 13949. I. S. No. 12738-r.)**

On May 24, 1921, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Lafayette Co., a corporation, Berlin, N. H., alleging shipment by said defendant, on or about February 19, 1919, in violation of the Food and Drugs Act, as amended, from the State of New Hampshire into the State of Massachusetts, of a quantity of an article labeled in part "Lafayette Blackberry Cordial," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a blackberry cordial.

It was alleged in substance in the information that the article was misbranded for the reason that certain statements, designs, and devices regarding the therapeutic and curative effects of said article, appearing on the labels of the carton and bottle containing it and contained in the circular which accompanied it, falsely and fraudulently represented that the article was in whole or in part composed of or contained ingredients or medicinal agents effective, among other things, as a treatment, remedy, and cure for dysentery, cholera infantum, summer complaint, chronic diarrhea, colic, cramps, cholera, cholera morbus, and other stomach and bowel troubles, when, in truth and in fact, it was not so composed and did not contain such ingredients.

On May 28, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10404. Adulteration of shell eggs. U. S. \* \* \* v. Hillie J. Davis and William T. Davis (The City Grocery Co.). Pleas of guilty. Fine, \$10 and costs. (F. & D. No. 14057. I. S. No. 9558-r.)**

On May 9, 1921, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Hillie J. Davis and William T. Davis, trading as The City Grocery Co., Mineral Springs, Ark., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about June 17, 1920, from the State of Arkansas into the State of Texas, of one case of shell eggs. The article was labeled in part: "From City Grocery, Mineral Springs, Ark. \* \* \*"

Examination of the 360 eggs involved in the consignment, by the Bureau of Chemistry of this department, showed the presence of 47, or 13 per cent, inedible eggs, consisting of black rots, mixed or white rots, and heavy blood rings.



Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On November 14, 1921, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$10 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10405. Adulteration of shell eggs. U. S. \* \* \* v. David J. Ellis. Plea of guilty. Fine, \$5 and costs. (F. & D. No. 14317. I. S. No. 9560-r.)**

On May 9, 1921, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against David J. Ellis, Fulton, Ark., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about June 18, 1920, from the State of Arkansas into the State of Texas, of a quantity of shell eggs which were adulterated.

Examination of the 360 eggs involved in the consignment, by the Bureau of Chemistry of this department, showed the presence of 27, or 7.5 per cent. inedible eggs, consisting of black rots, mixed or white rots, and heavy blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On November 16, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$5 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10406. Adulteration of coal-tar color. U. S. \* \* \* v. 3 Cans of Coal-Tar Color. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14814. I. S. Nos. 4489-t, 4490-t. S. No. C-2979.)**

On or about April 22, 1921, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 cans of coal-tar color, remaining in the original unbroken packages at Dallas, Tex., alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., on or about March 21, 1921, and transported from the State of Missouri into the State of Texas, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "One Pound Net W. B. Wood Mfg. Co., St. Louis, Mo., \* \* \*."

It was alleged in substance in the libel that the article was misbranded [adulterated] in that it contained ingredients that were poisonous and deleterious to health and for the further reason that it contained sodium chlorid and sodium sulphate, which had been mixed and packed with and substituted wholly or in part [for the said article].

On March 3, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10407. Adulteration and misbranding of cottonseed meal. U. S. \* \* \* v. Eastern Cotton Oil Co., a Corporation. Plea of guilty. Fine, \$30 and costs. (F. & D. No. 15268. I. S. Nos. 8699-t, 8700-t.)**

On November 3, 1921, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Eastern Cotton Oil Co., a corporation, Hertford, N. C., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about January 10 and 11, 1921, respectively, from the State of North Carolina into the State of Virginia, of quantities of cottonseed meal, part of which was misbranded and the remainder of which was adulterated and misbranded. The article was labeled in part: (Tag) "Perfection Cotton Seed Meal 100 Lbs. Net Manufactured By Eastern Cotton Oil Company, Elizabeth City, N. C. \* \* \*."

Examination of 30 sacks of the product taken from each of the consignments, by the Bureau of Chemistry of this department, showed that the average net weight of the sacks examined was 98.24 pounds and 97.76 pounds, respectively.

Analysis of a sample taken from the consignment of January 11 by the said bureau showed that it contained 39.5 per cent of protein and 11.51 per cent of crude fiber.

Adulteration of the article involved in the consignment of January 11 was alleged in the information for the reason that a substance low in protein and high in crude fiber had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for cottonseed meal, which the said article purported to be. Adulteration was alleged for the further reason that a substance low in protein and high in crude fiber had been mixed with the article in a manner whereby its damage and inferiority were concealed.

Misbranding was alleged with respect to the product involved in the said consignment of January 11 for the reason that the statements, to wit, " \* \* \* Cotton Seed Meal 100 Lbs. Net \* \* \* Guarantee Protein not less than 41.00% Equivalent to Ammonia 8.00% \* \* \* Fibre not more than 10.00%," borne on the tags attached to the bags containing the article, regarding the article and the substances and ingredients contained in the said bags, and regarding the net weight of the article contained in the said bags, were false and misleading in that the article did not contain 41 per cent of protein or an amount equivalent to 8 per cent of ammonia, but did contain a less amount and contained more crude fiber than 10 per cent, and the said bags each contained less than 100 pounds net of the article; misbranding was alleged for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 41 per cent of protein and not more than 10 per cent of crude fiber and that each of the said bags contained 100 pounds net of the article, whereas, in truth and in fact, the said article contained less than 41 per cent of protein and more than 10 per cent of crude fiber, and the said bags each contained less than 100 pounds net of the said article. Misbranding was alleged with respect to the product involved in both consignments of the article for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages. since the stated quantity, to wit, "100 Lbs. Net," was incorrect and represented more than the actual contents of the package.

On April 12, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$30 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10408. Misbranding of oysters. U. S. \* \* \* v. Ivy L. Leonard and Thomas B. Leonard (I. L. Leonard). Pleas of guilty. Fine, \$10 and costs. (F. & D. No. 15562. I. S. Nos. 3674-t, 4920-t.)**

On March 1, 1922, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Ivy L. Leonard and Thomas B. Leonard, copartners, trading as I. L. Leonard, Cambridge, Md., alleging shipment by said defendants, on or about December 9 and 13, 1920, respectively, in violation of the Food and Drugs Act, as amended, from the State of Maryland into the States of Missouri and Wisconsin, respectively, of quantities of oysters which were misbranded.

Examination of samples of the article by the Bureau of Chemistry of this department showed that the product was short in volume.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Minimum 1 Gallon Volume," borne on the cans containing the article, regarding the said article, was false and misleading in that it represented that each of the said cans contained 1 gallon of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said cans contained 1 gallon of the article, whereas, in truth and in fact, each of the said cans did not contain 1 gallon of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 1, 1922, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$10 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*



**10409. Misbranding of potatoes. U. S. \* \* \* v. Newbern Produce Co., a Corporation. Plea of guilty. Fine, \$20 and costs. (F. & D. No. 15599. I. S. Nos. 5979-t, 5980-t.)**

On March 23, 1922, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Newbern Produce Co., a corporation, Elizabeth City, N. C., alleging shipment by said company, on or about June 7 and 8, 1921, respectively, in violation of the Food and Drugs Act, as amended, from the State of North Carolina into the State of Pennsylvania, of quantities of potatoes in barrels, which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 12, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$20 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10410. Adulteration of oranges. U. S. \* \* \* v. 462 Boxes \* \* \* of Oranges, et al. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 15787, 15788. I. S. Nos. 1801-t, 18513-t. S. Nos. C-3444, C-3458.)**

On February 28 and March 9, 1922, respectively, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 924 boxes of oranges, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped in part by C. M. Brown, Redlands, Calif., and in part by the Stewart Fruit Co., Riverside, Calif., on or about February 17 and 28, 1922, respectively, and transported from the State of California into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, respectively: "Golden Bell Brand Extra Fine Oranges, Packed by C. M. Brown, Redlands, San Bernardino County, Cal." and "Parent Tree Brand \* \* \* Orange, Lindsey, Cal."

Adulteration of the article was alleged in the libels for the reason that it consisted in part of a decomposed vegetable substance.

On or about March 2 and 27, 1922, respectively, the Fry Brokerage Co., Chicago, Ill., and the Stewart Fruit Co., Riverside, Calif., having entered their appearances as the respective claimants for the property and having admitted the material allegations of the libels and consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimants upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$2,000, in conformity with section 10 of the act, conditioned in part that the product be sorted under the supervision of this department, the good portion to be delivered to the respective claimants and the bad portion destroyed.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10411. Misbranding of cottonseed cake. U. S. \* \* \* v. El Dorado Oil Mills & Fertilizer Co., a Corporation. Plea of guilty. Fine, \$20 and costs. (F. & D. No. 11622. I. S. No. 11957-r.)**

On July 20, 1920, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the El Dorado Oil Mills & Fertilizer Co., a corporation, El Dorado, Ark., alleging shipment by said company, on or about January 15, 1919, in violation of the Food and Drugs Act, as amended, from the State of Arkansas into the State of Kansas, of a quantity of cottonseed cake which was misbranded. The article was labeled in part: "100 Lbs. Gross 99 Lbs. Net Single Hump" (cut of camel) "Brand Cotton Seed Meal or Cracked Screened Cake \* \* \*."

Examination, by the Bureau of Chemistry of this department, of 65 sacks of the product taken from the consignment showed that the average net weight of the sacks examined was 97.15 pounds.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "100 Lbs. Gross 99 Lbs. Net," borne on the tags attached to the sacks containing the article, regarding the article, were false and misleading in that they represented that each of the said sacks contained 99 pounds

of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said sacks contained 99 pounds of the said article, whereas, in truth and in fact, each of the said sacks did not contain 99 pounds of the article, but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 21, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$20 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10412. Misbranding of cottonseed cake. U. S. \* \* \* v. United Oil Mills, a Corporation. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 11991. I. S. No. 11997-r.)**

On July 20, 1920, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the United Oil Mills, a corporation, Hope, Ark., alleging shipment by said company, on or about March 12, 1919, in violation of the Food and Drugs Act, as amended, from the State of Arkansas into the State of Kansas, of a quantity of unlabeled cottonseed cake which was misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 8, 1920, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10413. Adulteration and misbranding of cottonseed meal. U. S. \* \* \* v. El Dorado Oil Mills & Fertilizer Co., a corporation. Plea of guilty. Fine, \$20 and costs. (F. & D. No. 12351. I. S. No. 12001-r.)**

On July 20, 1920, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the El Dorado Oil Mills & Fertilizer Co., El Dorado, Ark., alleging shipment by said company, on or about March 1, 1919, in violation of the Food and Drugs Act, as amended, from the State of Arkansas into the State of Kansas, of a quantity of unlabeled cottonseed meal which was adulterated and misbranded. The article was invoiced as 41 per cent protein cottonseed meal.

Analyses of samples of the article by the Bureau of Chemistry of this department showed the presence of approximately 38.65 per cent of protein.

Adulteration of the article was alleged in the information for the reason that a cottonseed meal of less than 41 per cent protein had been substituted wholly or in part for cottonseed meal of 41 per cent protein, which the said article purported to be.

Misbranding was alleged for the reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 21, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$20 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10414. Adulteration and misbranding of vinegar. U. S. \* \* \* v. 68 and 70 Barrels of Vinegar. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 12986, 12987. I. S. Nos. 384-r, 385-r. S. Nos. E-2408, E-2409.)**

On July 2, 1920, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 68 and 70 barrels of vinegar, remaining unsold in the original unbroken packages at Stamford and New Haven, Conn., respectively, alleging that the article had been shipped by F. E. Jewett & Co., Lowell, Mass., on or about May 7 and 26, 1920, respectively, and transported from the State of Massachusetts into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libels for the reason that distilled vinegar had been mixed and packed therewith so as to



reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said product.

Misbranding was alleged in substance for the reason that the labels on the barrels containing the article bore certain statements regarding the said article which were false and misleading; that is to say, the said labels bore the following words, "Pure Cider Vinegar Made From Apples by F. E. Jewett & Co., Lowell, Mass. Acidity reduced to not less than 4% \* \* \*," which statements and words were intended to be of such a character as to induce the purchaser to believe that the said article was pure cider vinegar, when, in truth and in fact, it was not. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, pure cider vinegar.

On July 23 and August 16, 1921, respectively, F. E. Jewett & Co., Lowell, Mass., claimant, having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant, upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$5,459.56, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10415. Adulteration and misbranding of vinegar. U. S. \* \* \* v. 2 Barrels, 1 Barrel, and 3 Barrels of Cider Vinegar \* \* \*. Consent decree of condemnation and forfeiture entered with respect to 1 barrel and product released under bond. Default decrees of condemnation, forfeiture, and destruction with respect to the remainder.** (F. & D. Nos. 13873, 13874, 13875. I. S. Nos. 6426-t, 6427-t, 6428-t. S. Nos. E-2876, E-2877, E-2878.)

On February 7, 1921, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 6 barrels of vinegar, at Washington and Belvidere, N. J., respectively, alleging that the article had been shipped by the Kistler Vinegar Works, Stroudsburg, Pa., on or about September 9, 21, and 29, 1920, respectively, and transported from the State of Pennsylvania into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "\* \* \* Pure Fermented Unitus Brand Apple Cider Vinegar \* \* \* Made by the Kistler Vinegar Works, Stroudsburg, Pa. \* \* \*"

Adulteration of the article was alleged in the libels for the reason that a substance, to wit, apple waste vinegar, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in whole or in part for pure fermented apple cider vinegar, which the said article purported to be.

Misbranding was alleged in substance for the reason that certain statements labeled on the barrels containing the article, regarding the said article and the ingredients contained therein, to wit, "\* \* \* Pure Fermented Unitus Brand Apple Cider Vinegar \* \* \*," were false and misleading in that the said statements represented to the purchaser that the article was pure fermented apple cider vinegar, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure fermented apple cider vinegar, whereas, in truth and in fact, it was not pure fermented apple cider vinegar, but was a product composed of apple waste vinegar. Misbranding was alleged for the further reason that the article was a product composed of apple waste vinegar, prepared in imitation of, and offered for sale under the distinctive name of, another article, to wit, pure fermented apple cider vinegar.

On May 24, 1921, the Kistler Vinegar Works, Stroudsburg, Pa., having entered an appearance as claimant for 1 barrel of the product and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the said barrel of the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that it be rebranded and properly marked. On February 9, 1922, no claimant having appeared for the remaining 5 barrels of the product, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the said product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*



**10416. Adulteration of shell eggs. U. S. \* \* \* v. Harry E. Fox (Fox Produce Co.). Plea of guilty. Fine, \$25. (F. & D. No. 14338. I. S. Nos. 339-t, 348-t.)**

On April 19, 1921, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Harry E. Fox, trading as the Fox Produce Co., Alva, Okla., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 12 and 15, 1920, respectively, from the State of Oklahoma into the State of Kansas, of quantities of shell eggs which were adulterated.

Examination, by the Bureau of Chemistry of this department, of 2 cases from the consignment of July 12 and 3 cases from the remaining consignment, each case containing 360 eggs, showed the following results:

Consignment.	July 12.	July 15.
Mixed or white rots.....	24	318
Spot rots.....	11	15
Blood rings, heavy.....	55	48
Blood rots.....	13	7
Black rots.....		5
Chick rots.....		4
Total inedible eggs.....	103	397
Per cent of inedible eggs.....	14.3	36.76

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On January 25, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10417. Misbranding of cotton salad oil. U. S. \* \* \* v. 45 Cans \* \* \* of Cotton Salad Oil. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15081. I. S. No. 1091-t. S. No. C-3082.)**

On June 23, 1921, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 45 cans of cotton salad oil, at Chicago, Ill., alleging that the article had been shipped by A. Joannidi, New York, N. Y., May 6, 1921, and transported from the State of New York into the State of Illinois, and charging misbranding in violation of the Food and Drugs Act, as amended.

Misbranding of the article was alleged in substance in the libel for the reason that each of the cans containing the article were labeled as follows, "One Gallon Extra Fine Quality Olio La Famosa Cotton Salad Oil Slightly Flavored With Olive Oil Packed By Joannidi & Perides, New York," which statement was false and misleading and deceived and misled the purchaser in that it purported and represented that each of the said cans contained 1 gallon of the article, whereas each can contained less than 1 gallon thereof. Misbranding was alleged for the further reason that the said article was food in package form, and the quantity was not plainly and conspicuously marked on the outside of the package in terms of weight or measure.

On December 12, 1921, John Bullaro, Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the label of the said product be changed to read, "3 Quarts 1½ Pints \* \* \*."

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10418. Adulteration of walnut meats. U. S. \* \* \* v. 19 Cases and 15 Cases of \* \* \* Walnut Meats. Decrees of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 15781, 15782. I. S. Nos. 11190-t, 11191-t. S. No. W-1055.)

On March 22, 1922, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 34 cases of walnut meats, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by J. B. A. & Co., Los Angeles, Calif., February 24, 1922, and transported from the State of California into the State of Oregon, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a decomposed vegetable substance.

On April 12, 1922, Chester Thomas, partner and agent for Thomas Bros., and Henry Wessinger, director of the Henry Weinhard Estate, a corporation, both of Portland, Oreg., claimants, having admitted the allegations of the libel, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimants upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$400, in conformity with section 10 of the act, conditioned in part that the said product be sorted, the normal walnut meats to be separated from those which were decomposed and putrid, and that it be sold according to law.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10419. Adulteration and misbranding of cottonseed meal. U. S. \* \* \* v. 1,500 Sacks of Alleged Cottonseed Meal, et al. Consent decrees providing for the release of the product.** (F. & D. Nos. 15867, 15868, 15869, 15870. I. S. Nos. 9188-t, 9189-t, 9323-t, 9377-t, 9378-t, 9379-t. S. Nos. E-3714, E-3741, E-3742, E-3744.)

On or about January 4, 1922, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 2,500 sacks of cottonseed meal, remaining unsold in the original unbroken packages at Jacksonville and Tampa, Fla., respectively, consigned in part by the Central Oil Co. and in part by or by order of Black & Co., both of Macon, Ga., alleging that the article had been shipped from Macon, Ga., between the dates October 28 and November 25, 1921, and transported from the State of Georgia into the State of Florida, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Tags on sacks) "100 Lbs. Cotton Seed Meal Manufactured by Central Oil Company, Macon, Georgia \* \* \*."

Adulteration of the article was alleged in the libels for the reason that a substance deficient in ammonia or protein had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and had been substituted wholly or in part for the said article and for the further reason that the said article had been mixed and packed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article and for the further reason that the statements on the said tags, "Nitrogen 5.76 per cent" and "Ammonia not less than 7.00 per cent," regarding the article and the ingredients and substances contained therein, were false and misleading and deceived and misled the purchaser, since the said article contained considerably less than 5.76 per cent of nitrogen and 7.00 per cent of ammonia.

On January 19, 1922, the Central Oil Co., Macon, Ga., having entered an appearance as claimant for the property and it having appeared that the product had been sold for fertilizer purposes, subject to the entry of decrees permitting the same, judgments of the court were entered approving such sale and dismissing the proceedings and ordering the release of the product upon payment of the costs of the proceedings by said claimant.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10420. Adulteration and misbranding of cottonseed meal. U. S. \* \* \* v. Buckeye Cotton Oil Co., a Corporation. Plea of nolo contendere. Fine, \$100 and costs. (F. & D. No. 13925. I. S. No. 11080-r.)**

On January 25, 1921, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Buckeye Cotton Oil Co., a corporation, doing business at Greenwood, Miss., alleging shipment by said company, in violation of the Food and Drugs Act, on or about October 20, 1919, from the State of Mississippi into the State of Michigan, of a quantity of an article labeled in part, "Buckeye Good Cottonseed Meal Manufactured By The Buckeye Cotton Oil Co. General Offices, Cincinnati, Ohio," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the presence of 34.96 per cent of protein, 6.79 per cent of ammonia and approximately 30 per cent of cottonseed hulls.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, cottonseed hulls, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for cottonseed meal, which the article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Cottonseed Meal" and "Guarantee Protein 36.00% \* \* \* Ammonia 7.00%," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that said article consisted wholly of cottonseed meal and contained not less than 36 per cent of protein and not less than 7 per cent of ammonia, and for the further reason that said article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of cottonseed meal and contained not less than 36 per cent of protein and not less than 7 per cent of ammonia, whereas, in truth and in fact, it did not consist wholly of cottonseed meal but did consist in part of added cottonseed hulls and contained less than 36 per cent of protein and less than 7 per cent of ammonia, to wit, 34.96 per cent of protein and 6.79 per cent of ammonia.

On October 20, 1921, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10421. Misbranding of cottonseed cake or meal. U. S. \* \* \* v. Chickasha Cotton Oil Co., a Corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 15991. I. S. No. 11653-t.)**

On March 21, 1922, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Chickasha Cotton Oil Co., a corporation, doing business at Altus, Okla., alleging shipment by said company, in violation of the Food and Drugs Act, on or about August 25, 1920, from the State of Oklahoma into the State of Kansas, of a quantity of an article labeled in part "Chickasha Quality" Cottonseed Cake or Meal," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

	Per cent.
Ether extract (crude fat)-----	6.21
Crude fiber-----	12.25
Crude protein-----	41.28
Nitrogen-----	6.60
Ammonia-----	8.02

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "\* \* \* Guaranteed Analysis. Ammonia, not less than 8½ per cent. Protein, not less than 43 to 45 per cent. Crude Fat, not less than 7 to 9 per cent. Crude Fibre, not more than 9 to 11 per cent.," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article contained not less than 8½ per cent of ammonia, not less than 43 per cent of protein, not less than 7 per cent of crude



fat, and not more than 11 per cent of crude fiber, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 8½ per cent of ammonia, not less than 43 per cent of protein, not less than 7 per cent of crude fat, and not more than 11 per cent of crude fiber, whereas, in truth and in fact, said article contained less than 8½ per cent of ammonia, less than 43 per cent of protein, less than 7 per cent of crude fat, and more than 11 per cent of crude fiber, to wit, approximately 8 per cent of ammonia, 41.28 per cent of protein, 6.21 per cent of crude fat, and 12.25 per cent of crude fiber.

On May 24, 1922, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10422. Adulteration of shell eggs. U. S. \* \* \* v. William O. Crow (Custer City Produce Co.). Plea of guilty. Fine, \$50 and costs. (F. & D. No. 16019. I. S. No. 18206-t.)**

On April 10, 1922, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William O. Crow, trading as the Custer City Produce Co., Custer City, Okla., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about August 23, 1921, from the State of Oklahoma into the State of Texas, of an article of food, to wit, shell eggs, which was adulterated.

Examination, by the Bureau of Chemistry of this department, of a sample of the article, consisting of 360 eggs from each of the 3 cases examined, showed the presence of 189, or 17.5 per cent, inedible eggs, consisting of 66 mixed or white rots, 92 blood rings, 29 blood rots, and 2 chick rots.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On April 13, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10423. Adulteration of shell eggs. U. S. \* \* \* v. Elmer L. Kenison (E. L. Kenison Produce Co.). Plea of guilty. Fine, \$50 and costs. (F. & D. No. 16068. I. S. No. 2068-t.)**

On April 7, 1922, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Elmer L. Kenison, trading as the E. L. Kenison Produce Co., Longdale, Okla., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 21, 1921, from the State of Oklahoma into the State of Kansas, of a quantity of an article of food, to wit, shell eggs, which was adulterated.

Examination of a sample of the article, consisting of all the eggs in 14 cases, or 5,040 eggs, by the Bureau of Chemistry of this department, showed the presence of 16 black rots, 240 mixed or white rots, 12 moldy eggs, 24 spot rots, and 132 blood rings, a total of 424 inedible eggs, or 8.4 per cent.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On April 10, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10424. Misbranding of strawberries. U. S. \* \* \* v. Richard T. Lewis et al. (Humboldt Fruit Growers' Assoc.). Plea of guilty. Fine, \$15 and costs. (F. & D. No. 15435. I. S. Nos. 111-t, 6014-t.)**

On January 10, 1922, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Richard T. Lewis, Milton J. Hamilton, John E. Matthews, and Dee W. Senter, trading as the Humboldt Fruit Growers' Assoc., Humboldt, Tenn., alleging shipment by said defendants, on or about May 7 and 11, 1921, respectively, in violation of the Food and Drugs Act, as amended, from the State of Tennessee into the States of Illinois and New York, respectively, of quantities of strawberries in crates, which were misbranded. The crates bore no label or statement relative to contents, weight, or measure.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 27, 1922, a plea of guilty to the information was entered on behalf of the defendants, and the court imposed a fine of \$15 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10425. Adulteration of shell eggs. U. S. \* \* \* v. Lee Dixon Rucker. Plea of guilty. Fine, \$1. (F. & D. No. 13896. I. S. No. 334-t.)**

On July 28, 1921, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Lee Dixon Rucker, Plainview, Tex., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 8, 1920, from the State of Texas into the State of Kansas, of a quantity of an article of food, to wit, shell eggs, which was adulterated.

Examination of a sample of the article, consisting of 3 cases or 1,080 eggs, by the Bureau of Chemistry of this department, showed the presence of 172, or 15.92 per cent, inedible eggs, consisting of 43 black rots, 73 mixed or white rots, 1 moldy egg, 44 spot rots, 2 blood rings, and 9 chick rots.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On October 21, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$1.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10426. Adulteration of shell eggs. U. S. \* \* \* v. Willard H. Black (Hico Creamery Co.). Plea of guilty. Fine, \$25. (F. & D. No. 13897. I. S. No. 351-t.)**

On July 9, 1921, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Willard H. Black, trading as the Hico Creamery Co., Hico, Tex., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 14, 1920, from the State of Texas into the State of Kansas, of a quantity of an article of food, to wit, shell eggs, which was adulterated.

Examination, by the Bureau of Chemistry of this department, of a sample of the article consisting of 360 eggs in 1 case and 180 in each of 2 other cases, showed the presence of 145, or 20 per cent, inedible eggs, consisting of 3 black rots, 105 mixed or white rots, 14 spot rots, 22 heavy blood rings, and 1 chick rot.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, putrid, and decomposed animal substance.

On February 27, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10427. Misbranding of Kalina. U. S. \* \* \* v. 20 Boxes \* \* \* of Kalina. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14955. I. S. No. 1593-t. S. No. C-2906.)**

On May 25, 1921, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 20 boxes of Kalina, remaining in the original unbroken packages at Youngstown, Ohio, alleging that the article had been shipped on or about March 29, 1921, by J. M. Rutkowski, Buffalo, N. Y., and transported from the State of New York into the State of Ohio, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton) " \* \* \* Health Restorer for \* \* \* Nervousness, Palpitation of the Heart, Female Troubles, Catarrh. Liver and Kidney Diseases, Headache \* \* \* A Great Blood Purifier \* \* \* For Tired Feeling, Dizziness, Poor Appetite, Piles, Pimples on Face, Skin Troubles and all Blood Disorders \* \* \*. All disease and impurities lurking in the stomach, blood and the whole system, will be eliminated from the body gradually,



\* \* \* When finishing the cure, one tablet in two days, and later one in three days, will be amply sufficient"; (circular) " \* \* \* Whenever you get \* \* \* Catarrh \* \* \* overwork, or feel any ailment or weakness, take \* \* \* Kalina Tablets \* \* \*. By doing this, you will never be seriously sick, and thereby will avoid a great deal of suffering \* \* \*. In cases where disease has settled deeply it is necessary to take Kalina Tablets, every day regularly, \* \* \* by which action all the foreign substances in the Form of Various Diseases Gradually Vanish together with the impurities of the body. In cases where the disease has been chronic and of long duration, it is necessary to use Kalina Tablets, regularly and constantly for a few months, even a year, but finally the body will get rid of the disease and the sick person will regain perfect health and strength \* \* \*."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of tablets containing strychnine and extracts of cascara sagrada and red pepper.

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements regarding the curative and therapeutic effects of said article were false and fraudulent, since the article contained no ingredients or combination thereof capable of producing the effects claimed.

On May 10, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10428. Adulteration and misbranding of ice cream sirup. U. S. \* \* \* v. 7 Barrels of Ice Cream Sirup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14144. I. S. No. 5211-t. S. No. E-3042.)**

On January 6, 1921, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 7 barrels of ice cream sirup, at Manchester, N. H., alleging that the article had been shipped on May 4, 1920, by the U B S Co., New York, N. Y., and transported from the State of New York into the State of New Hampshire, consigned to U B S Co., Manchester, N. H., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Ice Cream Syrup Order UBSCO Inc. \* \* \* Manchester, N. H.," and was sold as "Invert sugar 100% sweet water white."

Adulteration of the article was alleged in the libel for the reason that glucose and sucrose sirup had been mixed and packed with, and substituted wholly or in part for, ice cream sirup; and for the further reason that the said article was mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the label on the barrels containing the statement "Ice Cream Syrup" was false and misleading and deceived and misled the purchaser thereof; and for the further reason that the article purported to be ice cream sirup and was an imitation of, and offered for sale under the distinctive name of, another article.

On November 30, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10429. Adulteration of eggs. U. S. \* \* \* v. Cyrus E. Edwards. Plea of guilty. Fine, \$100. (F. & D. No. 12805. I. S. No. 7739-r.)**

On July 23, 1920, the United States attorney for the District of North Dakota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Cyrus E. Edwards, Niagara, N. Dak., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 30, 1919, from the State of North Dakota into the State of Minnesota, of an article of food, to wit, eggs, which was adulterated.

Examination, by the Bureau of Chemistry of this department, of a sample of the article consisting of 180 eggs from 1 of the cases, showed the presence of 12 black rots, 25 mixed or white rots, and 5 moldy eggs, a total of 42 inedible eggs, or 23.3 per cent.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, putrid, and decomposed animal substance.

On April 25, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10430. Adulteration of milk. U. S. \* \* \* v. C. Brigham Co., a Corporation. Plea of nolo contendere. Fine, \$50.** (F. & D. No. 8564. I. S. Nos. 807-l, 483-m, 901-m, 983-m, 2234-p.)

On July 15, 1918, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the C. Brigham Co., a corporation, doing business at Leicester Junction, Vt., alleging shipment by said company, in violation of the Food and Drugs Act, on or about August 15, 1917, and June 28, July 7, August 31, and September 2, 1916, respectively, from the State of Vermont into the State of Massachusetts, of quantities of milk which was adulterated.

Bacteriological examination of samples of the article by the Bureau of Chemistry of this department showed an excessive number of organisms on plain agar after two days, at different temperatures.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On April 20, 1922, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10431. Adulteration of milk. U. S. \* \* \* v. Charles F. Whiting et al. (D. Whiting & Sons). Plea of nolo contendere. Fine, \$50.** (F. & D. No. 8566. I. S. Nos. 303-m, 346-m, 601-m, 2232-p.)

On October 1, 1918, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Charles F. Whiting, John K. Whiting, Isaac S. Whiting, and David Whiting, copartners, trading as D. Whiting & Sons, Ascutneyville, Vt., alleging shipment by said defendants, on or about July 6, July 7, and September 18, 1916, and August 14, 1917, from the State of Vermont into the State of Massachusetts, of quantities of milk which was adulterated.

Examination of samples of the article by the Bureau of Chemistry of this department showed that the shipments of July 6 and 7 contained added water. Bacteriological examination of samples taken from each shipment showed an excessive number of organisms on plain agar after two days, at different temperatures.

Adulteration of the article in each of the shipments was alleged in the information for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance. Adulteration of the article in the shipments of July 6 and 7 was alleged for the further reason that a substance, to wit, water, had been mixed and packed with the article so as to lower and reduce and injuriously affect its quality and had been substituted in part for milk, which the article purported to be.

On April 20, 1922, a plea of nolo contendere to the information was entered on behalf of the defendants, and the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10432. Adulteration of milk. U. S. \* \* \* v. Alden Bros. Co., a Corporation. Plea of nolo contendere. Fine, \$50.** (F. & D. No. 8569. I. S. Nos. 58-m, 116-m, 470-m, 473-m, 2235-p.)

On June 6, 1918, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Alden Bros. Co., a corporation, doing business at East Fairfield, Vt., alleging shipment by said company, in violation of the Food and Drugs Act, on or about July 18, August 21 and 23, and September 18, 1916, and August 16, 1917, respectively, from the State of Vermont into the State of Massachusetts, of quantities of milk which in each shipment was adulterated.

Bacteriological examination of samples of the article by the Bureau of Chemistry of this department showed an excessive number of organisms on plain agar after two days, at different temperatures.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On April 20, 1922, a plea of *nolo contendere* to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10433. Misbranding of Char-Med-Sal. U. S. \* \* \* v. The Blackman Stock Remedy Co., a Corporation. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 11042. I. S. Nos. 10013-p, 10023-p, 6370-r.)**

On September 14, 1920, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Blackman Stock Remedy Co., a corporation, Chattanooga, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about June 4 and May 17, 1918, from the State of Tennessee into the State of Illinois, of quantities of an article labeled in part "Char-Med-Sal," which was misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it consisted essentially of sodium chlorid, iron oxid, charcoal, sulphur, iron sulphate, magnesium sulphate, and a small amount of strychnine.

Misbranding of the article was alleged in substance in the information for the reason that certain statements, designs, and devices regarding the therapeutic and curative effects of said article, appearing on the labels of the boxes containing it, falsely and fraudulently represented it to be effective as a treatment, remedy, and preventive of hog cholera and effective to protect hogs against cholera, whereas, in truth and in fact, it was not.

On December 27, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10434. Adulteration and misbranding of vinegar. U. S. \* \* \* v. Twin City Mfg. Co., Inc., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 12106. I. S. Nos. 15573-r, 16552-r.)**

On June 26, 1920, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Twin City Mfg. Co., Inc., a corporation, Norfolk, Va., alleging shipment by said company, in violation of the Food and Drugs Act, on or about September 10, 1918, from the State of Virginia into the District of Columbia, and on or about March 21, 1919, from the State of Virginia into the State of North Carolina, of quantities of vinegar which was adulterated and misbranded. The article was labeled in part: "California Brand Natural Color Vinegar \* \* \* Manufactured By Twin City Manufacturing Co., Inc. Norfolk, Virginia. \* \* \*"

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it had been diluted excessively with water and that it was deficient in acid strength.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for vinegar, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Natural Color Vinegar A compound of Molasses Vinegar and Distilled Vinegar," borne on the labels attached to the bottles containing the article, regarding it and the substances and ingredients contained therein, was false and misleading in that it represented that said article was natural color vinegar, a compound of molasses vinegar and distilled vinegar, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was natural color vinegar, a compound of molasses vinegar and distilled vinegar, whereas, in truth and in fact, it was not natural color vinegar,



a compound of molasses vinegar and distilled vinegar, but was a mixture composed in large part of added water.

On May 4, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10435. Misbranding of Irish potatoes. U. S. \* \* \* v. Winn-Parker Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 13177. I. S. No. 631-r.)**

On January 28, 1921, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Winn-Parker Co., a corporation, Norfolk, Va., alleging shipment by said company, on or about January 10, 1920, in violation of the Food and Drugs Act, as amended, from the State of Virginia into the State of Georgia, of a quantity of an article of food, to wit, Irish potatoes in bags, which was misbranded. The bags containing the potatoes bore no statement as to weight or contents.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 4, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10436. Adulteration of turpentine. U. S. \* \* \* v. General Naval Stores Co., a Corporation. Plea of guilty. Fine, \$100. (F. & D. No. 14548. I. S. No. 161-r.)**

On September 30, 1920, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the General Naval Stores Co., a corporation, doing business at Norfolk, Va., alleging shipment by said company, in violation of the Food and Drugs Act, on or about March 6, 1920, from the State of Virginia into the State of North Carolina, of a quantity of turpentine which was adulterated. The article was labeled in part: "Pure Turpentine."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was wood turpentine obtained by steam distillation.

Adulteration of the article was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and then and there differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopœia, official at the time of investigation of said article, in that said article was a product distilled from pine wood, whereas said pharmacopœia provides that turpentine, to wit, turpentine oil or spirits of turpentine, shall be distilled from the concrete oleoresin obtained from *Pinus palustris* or from other species of *Pinus*; and the standard of the strength, quality, and purity of said article was not stated on the container thereof.

On May 4, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10437. Misbranding of crab meat. U. S. \* \* \* v. E. Vernon Cartwright (Consolidated Crab Co.). Plea of guilty. Fine, \$100. (F. & D. No. 15442. I. S. Nos. 8484-t, 8746-t, 8748-t.)**

On March 23, 1922, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against E. Vernon Cartwright, trading as the Consolidated Crab Co., Hampton, Va., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about May 24, 1921, from the State of Virginia into the District of Columbia, and on or about May 23, 1921, from the State of Virginia into the State of Maryland, of quantities of crab meat which was in each shipment misbranded.

Examination, by the Bureau of Chemistry of this department, of 10 cans from each of the shipments of May 24 showed an average weight of 4 pounds 7 ounces and 4 pounds 10 ounces, respectively; examination of 6 cans from the shipment of May 23 showed an average weight of 4 pounds 12 ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Contents 5 Lbs Net," borne on the cans containing the article, regarding it, was false and misleading in that it represented that each of the cans contained 5 pounds net of the article and for the further reason that said article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the cans contained 5 pounds net of the article, whereas, in truth and in fact, each of the cans did not contain 5 pounds net of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 3, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10438. Misbranding of Surety Brand cottonseed meal. U. S. \* \* \* v. American Cotton Oil Co., a Corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 15574. I. S. Nos. 12416-t, 12417-t.)**

On January 21, 1922, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the American Cotton Oil Co., a corporation, doing business at Little Rock, Ark., alleging shipment by said company, in violation of the Food and Drugs Act, on or about October 22 and 29, 1920, from the State of Arkansas into the State of Ohio, of quantities of an article labeled in part, "Surety Brand Cottonseed Meal," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product involved in the shipment of October 22 contained 32.22 per cent of protein, 6.28 per cent of ammonia, and 15 per cent of crude fiber, and that the product involved in the shipment of October 29 contained 34.71 per cent of protein and 6.74 per cent of ammonia.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Cotton Seed Meal" and "Guarantee Protein Not less than 36.00 per cent, Equivalent to Ammonia 7.00 per cent \* \* \*," and in the case of one of the shipments, "Fibre Not more than 14.00 per cent," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article consisted wholly of cottonseed meal and that said article contained not less than 36 per cent of protein and not less than 7 per cent of ammonia, and in the case of one of the shipments not more than 14 per cent of fiber, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of cottonseed meal, that it contained not less than 36 per cent of protein and not less than 7 per cent of ammonia, and in the case of one of the shipments not more than 14 per cent of fiber, whereas, in truth and in fact, said article did not consist wholly of cottonseed meal but did consist of a product which contained less than 36 per cent of protein, the normal content of genuine cottonseed meal, and said article did contain less than 36 per cent of protein, to wit, approximately 32.22 per cent or 34.71 per cent of protein, as the case might be, said article did contain less than 7 per cent of ammonia, to wit, 6.28 per cent or 6.74 per cent of ammonia, as the case might be, and in one of the shipments said article did contain more than 14 per cent of fiber, to wit, 15.04 per cent of fiber.

On April 10, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10439. Misbranding of crab meat. U. S. \* \* \* v. Nonnenbacher & Co., Inc. Plea of guilty. Fine, \$50. (F. & D. No. 15580. I. S. No. 6662-t.)**

On March 23, 1922, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Nonnenbacher & Co., Inc., a corporation, Hampton, Va., alleging shipment by said company, on or about May 24, 1921, in violation of the Food and Drugs Act, as amended, from the State of Virginia into the State of New York, of a quantity of crab meat which was misbranded. The article was labeled, "Contents 1-Lb. Net."



Examination of 40 cans of the article by the Bureau of Chemistry of this department showed an average weight of 15½ ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Contents 1-Lb. Net," borne on the cans containing said article, regarding it, was false and misleading in that the said statement represented that each of the cans contained 1 pound net of the article, and for the further reason that said article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said cans contained 1 pound net of the article, whereas, in truth and in fact, each of said cans did not contain 1 pound net of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 4, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10440. Misbranding of Nervtone tablets. U. S. \* \* \* v. 6 Cartons \* \* \* of Nervtone Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16182. Inv. Nos. 35446, 35614. S. No. E-3772.)**

On February 21, 1922, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 6 cartons of Nervtone tablets, remaining in the original unbroken packages at Lawrence, Mass., alleging that the article had been shipped on or about November 28, 1921, by A. F. Schambier, Manchester, N. H., and transported from the State of New Hampshire into the State of Massachusetts, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (On one side of carton in English) "Nervtone Tablets 100 No. 1 \* \* \* Tablets 30 No. 2 For Liver or Kidney Troubles Recommended for Dyspepsia. Rheumatism, Indigestion, Nervous Trouble, Diminution of the ordinary vigor of the body and mind, through overwork, mental worry, and all female complaints \* \* \*"; (in French) "Recommanded for Dyspepsia, Rheumatism, Indigestion, Nervousness, Exhaustion through work, Loss of Sleep, Pains in the Side or Back. Exhausted Vitality resulting from any cause whatsoever, and all diseases peculiar to women \* \* \*"; (in English on other side of carton and paper envelope inclosed) "Nervtone (No. 2) Tablets useful in \* \* \* Defective Elimination. Liver and Kidney Troubles \* \* \*"; (in French) "\* \* \* indispensable against \* \* \* diseases of the liver and kidneys \* \* \*"; (on leaflet in carton) (English and French) "\* \* \* Nervtone Tablets No. 2 \* \* \* for \* \* \* Liver and Kidney Troubles, Bilious Affections (les Systèmes Biliaux) and Digestive Disorders (la Mauvaise Digestion en général). \* \* \* Serious diseases, such as dyspepsia, gall stones, appendicitis, etc., soon make their presence felt if the stomach and bowels do not work properly. \* \* \* for the speedy relief of \* \* \* the worst forms of digestive troubles. They relieve the stomach by doing a share of its work, \* \* \* Take also Nervtone Tablets No. 1 for Indigestion, Nervousness. Rheumatism, etc. \* \* \*"; (on carton) "No \* \* \* dangerous drug."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the Nervtone Tablets No. 1 contained approximately 1/60 grain of mercuric chlorid, 1/120 grain of strychnine sulphate, 1/100 grain of arsenic trioxid, and 3 grains of iron sulphate each, together with alces and cascara sagrada extract; and that the Nervtone Tablets No. 2 contained approximately 1/120 grain of strychnine sulphate, together with cascara and belladonna extracts and aloes.

It was alleged in substance in the libel that the article was misbranded for the reason that the above-quoted statements regarding the curative and therapeutic effects of the article were false and fraudulent for the reason that the article did not contain any ingredient or combination of ingredients capable of producing the effects claimed for it; and for the further reason that the statement, to wit, "No \* \* \* dangerous drug," borne and labeled upon the said cartons, regarding the article and the ingredients contained therein, was false and misleading in that said statement represented the article as not being a dangerous drug and as not containing a dangerous ingredient or ingredients, whereas, in truth and in fact, said article was a dangerous drug in that it contained mercuric chlorid, strychnine sulphate, and arsenic trioxid.

On May 16, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10441. Adulteration of shell eggs. U. S. \* \* \* v. Warren S. Woolsey. Plea of guilty. Fine, \$5. (F. & D. No. 16015. I. S. No. 11005-t.)**

On April 7, 1922, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Warren S. Woolsey, Dalton, Nebr., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about August 16, 1921, from the State of Nebraska into the State of Colorado, of a quantity of an article of food, to wit, shell eggs, which was adulterated.

Examination, by the Bureau of Chemistry of this department, of a sample of the article, consisting of 540 eggs taken from 3 cases, showed the presence of 29 black rots, 110 mixed or white rots with black moldy spots, and 387 spot rots with black moldy spots, a total of 526, or 97.4 per cent. inedible eggs.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On June 12, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$5.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10442. Adulteration of oysters. U. S. \* \* \* v. Emil Edward Borst (National Fish & Oyster Co.). Plea of nolo contendere. Fine, \$10 and costs. (F. & D. No. 16000. I. S. No. 6037-t.)**

On April 19, 1922, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Emil Edward Borst, trading as the National Fish & Oyster Co., Baltimore, Md., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about November 10, 1921, from the State of Maryland into the State of Pennsylvania, of a quantity of an article of food, to wit, oysters, which was adulterated.

Examination of a sample of the article by the Bureau of Chemistry of this department showed that it contained added water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for oysters, which the article purported to be.

On April 19, 1922, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$10 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10443. Adulteration of shell eggs. U. S. \* \* \* v. Reddick Lee Crenshaw (R. L. Crenshaw). Plea of guilty. Fine, \$25 and costs. (F. & D. No. 15840. I. S. No. 3352-t.)**

On January 10, 1922, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Reddick Lee Crenshaw, trading as R. L. Crenshaw, Dyer, Tenn., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about September 21, 1921, from the State of Tennessee into the State of Alabama, of a quantity of an article of food, to wit, shell eggs, which was adulterated.

Examination, by the Bureau of Chemistry of this department, of a sample of the article, consisting of 540 eggs taken from 3 cases, showed the presence of 9 black rots, 15 mixed or white rots, 6 spot rots, and 10 blood rings, a total of 40, or 7.4 per cent, inedible eggs.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On April 24, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*



**10444. Misbranding of shrimp. U. S. \* \* \* v. 14 Cases \* \* \* of Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15658. Inv. No. 35428. S. No. E-3766.)**

On February 10, 1922, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 14 cases, each containing 4 dozen cans, of shrimp, remaining in the original unbroken packages or unsold at Cambridge, Mass., alleging that the article had been shipped on or about September 15, 1921, by S. S. Goffin, from Fernandina, Fla., and transported from the State of Florida into the State of Massachusetts, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "St. Johns \* \* \* Fresh Shrimp \* \* \* The Smiling Brand \* \* \* Packed By The Nassau Sound Packing Co. Jacksonville, Fla. S. S. Goffin, Proprietor."

Misbranding of the article was alleged in the libel for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the stated quantity, to wit, "Net Weight Wet Pack 5½ Ozs.," was incorrect and represented more than the actual contents of the package.

On May 16, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal. In carrying out the provisions of this decree the marshal turned the goods over to the commissioner of penal institutions of the city of Boston for use at the house of correction.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10445. Misbranding of Hatchet Brand clams. U. S. \* \* \* v. 22 Cases \* \* \* of Canned Clams. Default decree of condemnation, forfeiture, and destruction. (Goods turned over to a charitable institution.) (F. & D. No. 15651. I. S. No. 5475-t. S. No. E-3698.)**

On December 20, 1921, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 22 cases, each containing a number of cans, of clams, remaining in the original unbroken packages or unsold at Worcester, Mass., alleging that the article had been shipped on or about August 20, 1921, by the Twitchell-Champlin Co., Portland, Me., and transported from the State of Maine into the State of Massachusetts, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Hatchet Brand Fresh Clams \* \* \* Contains 5 Oz. Clams \* \* \* The Twitchell-Champlin Co., Portland, Me. & Boston, Mass."

Misbranding of the article was alleged in the libel for the reason that the statement, to wit, "Contents 5 Oz. Clams," borne on the label upon each of the cans containing the article, concerning the quantity of the article contained therein, was false and misleading in that said statement represented that said cans each contained 5 ounces of the article and for the further reason, in substance, that the article was labeled as aforesaid so as to deceive and mislead the purchaser thereof into the belief that said cans each contained 5 ounces of the article, whereas, in fact and in truth, the said cans did not each contain 5 ounces of the article but contained a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the stated quantity, to wit, "Contents 5 Oz. Clams," was not correct and represented more than the actual contents of the package.

On May 16, 1922, no claimant having appeared for the product, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal. In carrying out the provisions of the decree the United States marshal turned the product over to a charitable institution in Worcester, Mass.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10446. Misbranding of tomatoes. U. S. \* \* \* v. William P. Cole et al. (Medina Fruit Growers Assoc.). Plea of guilty. Fine, \$15 and costs. (F. & D. No. 15586. I. S. No. 671-t.)**

On January 10, 1922, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against

William P. Cole, Benjamin P. Black, Allen P. Gilbert, John C. Lemond, Thomas S. Parrish, J. Robert Gilbert, Horace V. Senter, and William J. Boone, a mutual association, doing business under the name and style of Medina Fruit Growers Assoc., Medina, Tenn., alleging shipment by said defendants, on or about July 9, 1921, in violation of the Food and Drugs Act, as amended, from the State of Tennessee into the State of Illinois, of a quantity of tomatoes in baskets inclosed in crates which were misbranded. The crates were unlabeled as to the quantity of the contents thereof.

Misbranding of the article was alleged in the information for the reason that it was an article of food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 27, 1922, a plea of guilty to the information was entered on behalf of the defendants, and the court imposed a fine of \$15 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10447. Adulteration and misbranding of olive oil. U. S. \* \* \* v. Poleti, Coda & Rebecchi. Tried to the court upon an agreed statement of fact. Judgment of guilty. Fine, \$100.** (F. & D. No. 15249. I. S. Nos. 6336-t, 6508-t, 6458-t, 6459-t, 6460-t, 6461-t, 6506-t, 6507-t, 6509-t, 6510-t, 6511-t, 6512-t, 6513-t.)

On December 5, 1921, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Poleti, Coda & Rebecchi, a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on August 3, September 15 and 20, and October 2, 1920, respectively, from the State of New York into the State of New Jersey, and on September 11, 14, 19, 22, and 29 and October 7, 1920, respectively, from the State of New York into the State of Connecticut, of quantities of an article purporting to be olive oil, which in each shipment was adulterated and misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the various shipments of the product consisted of soya bean oil, soya bean and cottonseed oils, and oil or mixtures of oils other than olive oil, respectively. Examination showed that the cans containing the article were short measure.

Adulteration of the article was alleged in the information for the reason that a substance or substances, to wit, soya bean oil, or soya bean oil and cottonseed oil, or a mixture composed of oils other than olive oil, as the case might be, had been mixed and packed with the article so as to lower and reduce and injuriously affect its quality and strength and had been substituted in large part for olive oil, which the article purported to be.

Misbranding of the article was alleged for the reason that the statements, to wit, "Olio La Viva Italia," "Pure Olive Oil," and "Net Contents 1 Gallon" or "1 Quart" or " $\frac{1}{2}$  Gallon," as the case might be, together with the design and device of a Roman scene, borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that said article was pure olive oil, that it was a foreign product, to wit, an olive oil produced in the Kingdom of Italy, and that each of said cans contained 1 gallon net or 1 quart net or one-half gallon net of the article, as the case might be, and for the further reason that said article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was olive oil, that it was a foreign product, to wit, an olive oil produced in the Kingdom of Italy, and that each of said cans contained 1 gallon net or 1 quart net or one-half gallon net of the article, as the case might be, whereas, in truth and in fact, said article was not olive oil but was a mixture composed in part of soya bean oil, or soya bean oil and cottonseed oil, or a mixture composed of oils other than olive oil, as the case might be; said article was not a foreign product, to wit, an olive oil produced in the Kingdom of Italy, but was a domestic product, to wit, a product produced in the United States of America, and each of said cans did not contain 1 gallon net or 1 quart net or one-half gallon net of the article, as the case might be, but did contain a less amount. Misbranding was alleged for the further reason that the statements, designs, and devices on the cans containing it purported said article to be a foreign product when not so, and for the further reason that said article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.



On January 30, 1922, the case having been submitted to the court upon an agreed statement of fact, without a jury, the defendant company was adjudged guilty by the court as charged in the information, and a fine of \$100 was imposed.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10448. Adulteration of oysters. U. S. \* \* \* v. Richard W. Claxton. Collateral of \$50 forfeited.** (F. & D. No. 14995. I. S. Nos. 8713-t, 8818-t, 8819-t.)

On or about February 21, 1922, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against Richard W. Claxton, Washington, D. C., alleging that on January 11 and 27, 1921, respectively, the said defendant did offer for sale and sell at the District of Columbia, in violation of the Food and Drugs Act, quantities of oysters which were adulterated.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it contained added water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for oysters, which the said article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, oyster solids, had been in part abstracted.

On February 21, 1922, the defendant having failed to enter an appearance, the \$50 collateral which had been deposited by him to insure his appearance was declared forfeited by the court.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10449. Adulteration of shell eggs. U. S. \* \* \* v. Farmers Supply Co., a Corporation. Plea of guilty. Fine, \$25.** (F. & D. No. 13899. I. S. No. 447-t.)

On April 25, 1921, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Farmers Supply Co., a corporation, O'Brien, Tex., alleging shipment by said company, in violation of the Food and Drugs Act, on or about July 29, 1920, from the State of Texas into the State of Oklahoma, of a quantity of an article of food, to wit, shell eggs, which was adulterated.

Examination of a sample of the article, consisting of 360 eggs, by the Bureau of Chemistry of this department, showed the presence of 37 mixed or white rots and 2 blood rings, a total of 39, or 10.8 per cent, inedible eggs.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On September 27, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10450. Adulteration and misbranding of evaporated milk. U. S. \* \* \* v. Kahoka Evaporated Milk Co., a Corporation. Plea of nolo contendere. Fine, \$150 and costs.** (F. & D. No. 9896. I. S. Nos. 8004-p, 12135-p, 12137-p.)

On February 5, 1921, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Kahoka Evaporated Milk Co., a corporation, Kahoka, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about February 14, April 1, and March 5, 1918, respectively, from the State of Missouri into the State of Iowa, of quantities of evaporated milk which was adulterated and a portion of which was adulterated and misbranded. The article was labeled in part: "Kahoka Brand Evaporated Milk \* \* \* Kahoka Evaporated Milk Co."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it was low in total solids and fat. Examination of the article by the said bureau showed that the product involved in the consignments



of February 14, 1918, labeled "Average Net Weight  $6\frac{5}{8}$  Oz.," and April 1, 1918, labeled "Average Net Weight  $6\frac{3}{8}$  Oz.," was short weight.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, an insufficiently condensed milk product low in fat and total solids, had been substituted in whole or in part for evaporated milk, which the article purported to be.

Misbranding was alleged with respect to the article involved in the consignments of February 14 and April 1 for the reason that the statement, to wit, "Evaporated Milk," borne on the labels attached to the cans containing the said article, and the statement, to wit, "Average Net Weight  $6\frac{5}{8}$  Oz.," borne on the labels attached to a part of the said cans, and the statement, to wit, "Average Net Weight  $6\frac{3}{8}$  Oz.," borne on the labels attached to the remainder of the said cans, regarding the said article and the ingredients and substances contained therein, were false and misleading in that they represented that the article consisted wholly of evaporated milk and that a part of the said cans each contained  $6\frac{5}{8}$  ounces net of the article, and the remainder each contained  $6\frac{3}{8}$  ounces net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the article consisted wholly of evaporated milk, and that each of the said cans contained  $6\frac{5}{8}$  ounces net or  $6\frac{3}{8}$  ounces net of the article, as the case might be, whereas, in truth and in fact, the article did not consist wholly of evaporated milk, but did consist in whole or in part of an insufficiently condensed milk product low in fat and total solids, and the said cans did not contain  $6\frac{5}{8}$  ounces net or  $6\frac{3}{8}$  ounces net of the article, as the case might be, but did contain a less amount. Misbranding was alleged with respect to the product involved in the above-named consignments for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 22, 1922, a plea of *nolo contendere* to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

# INDEX TO NOTICES OF JUDGMENT 10401 TO 10450.

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Coal-tar color. <i>See</i> Color.		Milk:	
Color, coal-tar:		Alden Bros. Co-----	10432
Wood, W. B., Mfg. Co-----	10406	Brigham, C., Co-----	10430
Cones, ice cream:		Whiting, D., & Sons-----	10431
Roberts Cone Mfg. Co-----	10402	evaporated:	
Cordial, blackberry:		Kahoka Evaporated Milk	
Lafayette Co-----	10403	Co-----	10450
Cottonseed cake. <i>See</i> Feed,		Nervtone tablets:	
meal. <i>See</i> Feed.		Schambler, A. F-----	10440
Crab meat:		Nuts, walnut meats:	
Consolidated Crab Co-----	10437	J. B. A. & Co-----	10418
Nonnenbacher & Co-----	10439	Oil, cottonseed:	
Eggs:		Joannidi, A-----	10417
City Grocery Co-----	10404	olive:	
Crenshaw, R. L-----	10443	Poleti, Coda & Rebecchi-----	10447
Custer City Produce Co-----	10422	Olive oil. <i>See</i> Oil.	
Edwards, Cyrus E-----	10429	Oranges:	
Ellis, David J-----	10405	Brown, C. M-----	10410
Farmers Supply Co-----	10449	Stewart Fruit Co-----	10410
Fox Produce Co-----	10416	Oysters:	
Hico Creamery Co-----	10426	Claxton, Richard W-----	10448
Kenison, E. L., Produce Co-----	10423	Leonard, L. L-----	10408
Rucker, Lee Dixon-----	10425	National Fish & Oyster Co-----	10442
Woolsey, Warren S-----	10441	Potatoes:	
Feed, cottonseed cake:		Newbern Produce Co-----	10409
El Dorado Oil Mills & Fer-		Winn-Parker Co-----	10435
tilizer Co-----	10411	Shrimp:	
Tyler Cotton Oil Co-----	10401	Goffin, S. S-----	10444
United Oil Mills-----	10412	Sirup, ice cream:	
cottonseed cake or meal:		U B S Co-----	10428
Chickasha Cotton Oil Co-----	10421	Strawberries:	
cottonseed meal:		Humboldt Fruit Growers	
American Cotton Oil Co-----	10438	Assoc-----	10424
Black & Co-----	10419	Tomatoes:	
Buckeye Cotton Oil Co-----	10420	Medina Fruit Growers	
Central Oil Co-----	10419	Assoc-----	10446
Eastern Cotton Oil Co-----	10407	Turpentine:	
El Dorado Oil Mills & Fer-		General Naval Stores Co-----	10436
tilizer Co-----	10413	Vinegar:	
Hog cholera remedy:		Jewett, F. E., & Co-----	10414
Blackman Stock Remedy		Kistler Vinegar Works-----	10415
Co-----	10433	Twin City Mfg. Co-----	10434
Ice cream cones. <i>See</i> Cones.		Walnut meats. <i>See</i> Nuts.	
sirup. <i>See</i> Sirup.			

# United States Department of Agriculture.

## SERVICE AND REGULATORY ANNOUNCEMENTS.

### BUREAU OF CHEMISTRY.

### SUPPLEMENT.

N. J. 10451-10500.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., September 5, 1922.]

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

**10451. Misbranding of ordinary cottonseed cake. U. S. \* \* \* v. Russell-Coleman Cotton Oil Co., a Corporation. Plea of guilty. Fine, \$25.** (F. & D. No. 10892. I. S. Nos. 6164-r, 10840-r, 10841-r, 10843-r, 10848-r, 10850-r, 10851-r, 10855-r, 10857-r, 10860-r, 10861-r, 10862-r.)

On June 11, 1920, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information in twelve counts, each count representing a separate shipment, against the Russell-Coleman Cotton Oil Co., a corporation, San Antonio, Tex., alleging shipment by said company, in violation of the Food and Drugs Act, on or about October 3, September 20 and 28, October 4, 8, 3, 1, and 2, and September 30 and 28, 1918, from the State of Texas into the State of Oklahoma, and on or about September 23 and October 14, 1918, from the State of Texas into the State of Kansas, of quantities of cottonseed cake, which, in each shipment, was misbranded. All of the shipments except one were labeled in part: " \* \* \* Ordinary Cotton Seed Cake. Manufactured by Russell-Coleman Oil Mill, San Antonio, Texas." The shipment of October 8, 1918, into Oklahoma, was labeled in part: " \* \* \* Ordinary Cotton Seed Cake. Manufactured by Beeville Oil Mill Beeville, Texas."

Analyses of samples of the article by the Bureau of Chemistry of this department showed the following results:

Date of shipment.	Oct. 3.	Sept. 20.	Sept. 28.	Sept. 23.	Oct. 14.	Oct. 14.	Oct. 8.	Oct. 3.	Oct. 1.	Oct. 2.	Sept. 30.	Sept. 28.
Protein.....per cent...	39.88	36.21	39.76	36.63	37.77	39.80	39.36	33.50	37.21	35.63	36.65	34.65
Fat.....do.....	5.93	5.50	5.64	5.62	5.95	5.50	.....	5.21	5.76	5.63	5.60	5.08
Crude fiber.....do.....	12.93	13.13	12.42	13.49	13.68	13.13	.....	14.70	13.27	12.89	13.72	14.63

Misbranding of all the article except that labeled as having been manufactured by the Beeville Oil Mill was alleged in the information for the reason that the statements, to wit, "Protein Not Less Than 43.00 per cent Fat Not Less Than 6.00 per cent \* \* \* Crude Fiber Not More Than 12.00 per cent," borne on the tags attached to the sacks containing the article, re-



garding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article contained not less than 43 per cent of protein, not less than 6 per cent of fat, and not more than 12 per cent of crude fiber, and for the further reason that the said article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 43 per cent of protein, not less than 6 per cent of fat, and not more than 12 per cent of crude fiber, whereas, in truth and in fact, said article did contain less than 43 per cent of protein, less than 6 per cent of fat, and more than 12 per cent of crude fiber. Misbranding of the article labeled as manufactured by the Beeville Oil Mill was alleged for the reason that the statement, to wit, "Guaranteed Analysis: Protein Not Less Than 43.00 per cent \* \* \*," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that said article contained not less than 43 per cent of protein, and for the further reason that said article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 43 per cent of protein, whereas, in truth and in fact, it did contain less than 43.00 per cent of protein.

On April 29, 1922, a plea of guilty to the information was entered on behalf of the defendant corporation, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10452. Adulteration and misbranding of red kidney beans, so-called. U. S. \* \* \* v. 70 Cases \* \* \* Alleged Kidney Beans \* \* \*, et al. Decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. Nos. 12152, 12216. I. S. Nos. 8573-r, 9740-r. S. Nos. C-1739, C-1797.)**

On February 18, 1920, and March 3, 1920, the United States attorney for the Southern District of Iowa, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 70 cases and 137 cases, each containing 2 dozen cans, of red kidney beans, at Davenport, Iowa, alleging that the article had been shipped on or about November 29, 1919, and January 19, 1920, by the George Van Camp & Sons Co., Westfield, Ind., and transported from the State of Indiana into the State of Iowa, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Geo. Van Camp's Red Kidney Beans. Contents 1 Lb. 4 Oz. Packed By George Van Camp & Sons Co., Westfield, Ind.," or "Unlabeled Red Kidney Beans," or "Jonathan Brand Red Kidney Beans."

It was alleged in substance in the libels that the product was adulterated in that long cranberry beans had been mixed and packed with, and substituted wholly or in part for, red kidney beans.

It was alleged that the article was misbranded in violation of Section 8, general paragraph and paragraphs second and fourth under food, in that the statement "Red Kidney Beans" was false and misleading so as to deceive and mislead the purchaser when applied to long cranberry beans, which article was substituted in whole or in part for red kidney beans. Misbranding was alleged for the further reason that the article was an imitation of, and offered for sale under the distinctive name of, another article.

On April 27, 1922, the cases having come on for disposition, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be released to the said George Van Camp & Sons Co., who appeared to be the owner of the product, upon the execution of a good and sufficient bond in the aggregate sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the product be truly and correctly relabeled, and conditioned further that said company pay the costs of the proceedings.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10453. Adulteration of canned salmon. U. S. \* \* \* v. 700 Cases of Canned Salmon. Case submitted to the court and a jury. Finding in favor of the Government. Judgment of condemnation and forfeiture. Product ordered destroyed. (F. & D. No. 13468. I. S. No. 9154-t. S. No. E-2728.)**

On September 3, 1920, the United States attorney for the Western District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure

and condemnation of 700 cases of canned salmon, at Spartanburg, S. C., alleging that the article had been shipped on or about December 22, 1919, by the Burke Fish Co., Portland, Oreg., and transported from the State of Oregon into the State of South Carolina, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sno-Crest Brand Pink Salmon Packed By Burke Fish Co. \* \* \*"

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 23, 1921, the matter having come on for hearing before the court and a jury, after the submission of evidence, the jury found by its verdict that the product was filthy and decomposed as alleged in the libel, and thereupon the court entered its order condemning the product and ordering its destruction by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10454. Adulteration and misbranding of oil of birch. U. S. \* \* \* v. One Can \* \* \* of Oil of Birch. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14445. I. S. No. 6264-t. S. No. E-3128.)**

On February 14, 1921, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of one can of oil of birch, remaining unsold in the original unbroken package at New York, N. Y., alleging that the article had been shipped by T. J. Ray, from Newland, N. C., on or about February 3, 1921, and transported from the State of North Carolina into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Tag) " \* \* \* from T. J. Ray Medicinal Crude Drugs and Essential Oils, Newland, North Carolina." The said article was invoiced as "True Natural Oil Sweet Birch."

Adulteration of the article considered as a drug was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the pharmacopœial standard of strength, quality, and purity, as determined by the test laid down in the said pharmacopœia, official at the time of investigation, and in that its own standard of strength, quality, and purity was not plainly stated upon its container; and for the further reason that its strength and purity fell below the professed standard and quality under which it was sold. Adulteration of the article considered as a food was alleged for the reason that a substance, to wit, synthetic methyl salicylate, had been mixed and packed with, and substituted in part for, the article.

Misbranding of the article considered as a food was alleged for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article.

On March 15, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10455. Misbranding of olive oil. U. S. \* \* \* v. 233 Cans \* \* \* of Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. Nos. 15397, 15398, 15399. I. S. Nos. 11151-t, 11152-t, 11153-t, 11154-t, 11155-t, 11156-t, 10999-t, 11000-t. S. No. W-1014.)**

On September 29, 1921, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 233 cans of olive oil, remaining unsold in the original unbroken packages at Cheyenne, Wyo., consigned by Deligiannis Bros., Chicago, Ill., alleging that the article had been shipped from Chicago, Ill., on or about July 13 and 27, 1921, respectively, and transported from the State of Illinois into the State of Wyoming, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Net Contents One Gallon" (or "Two Quarts," "One Quart," or "One Pint") "Pure Olive Oil, Universal Brand Deligiannis Bros., Chicago, U. S. A."

Misbranding of the article was alleged in substance in the libel for the reason that the statements upon the cans containing the article, to wit, "Net Contents One Gallon," "Net Contents Two Quarts," "Net Contents One Quart," or "Net Contents One Pint," as the case might be, were false and misleading,



and the said cans were so marked as to deceive and mislead the purchaser in that they purported to contain a full gallon, two quarts, one quart, or one pint, respectively, of the said article, whereas, in truth and in fact, the said cans did not contain a full gallon, two quarts, one quart, or one pint, respectively. Misbranding was alleged for the further reason that the article was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight or measure.

On November 1, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10456. Adulteration and misbranding of chocolate liquor. U. S. \* \* \* v. Beacon Chocolate Co., a Corporation. Plea of guilty. Fine, \$25. (F. & D. No. 15446. I. S. Nos. 8697-t, 8698-t.)**

On December 14, 1921, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Beacon Chocolate Co., a corporation, trading at Philadelphia, Pa., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 4, 1920, from the State of Pennsylvania into the District of Columbia, of a quantity of chocolate liquor which was adulterated and misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it contained an excessive amount of cacao shells and that sand and grit were present.

Adulteration of the article was alleged in the information for the reason that foreign substances, to wit, cacao shells, sand, and grit, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for pure chocolate liquor, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Lehigh, Liq. \* \* \* From Beacon Choc. Co." borne upon the cases containing a portion of the article, and the statements, to wit, "No. 10 Special Liquor \* \* \* Lehigh, Liq. Brand. Pure Chocolate \* \* \* Frontier Chocolate Co. Manufacturers Of High Grade Chocolate And Cocoa Powder \* \* \* From Beacon Chocolate Co.," borne upon the cases containing the remainder of the said article, regarding the article and the ingredients thereof contained in the said cases, were false and misleading in that the said statements represented the article to be pure chocolate liquor, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure chocolate liquor, whereas, in truth and in fact, it was not a pure chocolate liquor but was a product composed in part of cacao shells, sand, and grit. Misbranding was alleged for the further reason that the article was a product composed in part of cacao shells, sand, and grit, prepared in imitation of, and offered for sale under the distinctive name of, another article, to wit, chocolate liquor.

On February 27, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10457. Adulteration of pecans. U. S. \* \* \* v. 123 Sacks \* \* \* of Pecans. Consent decree providing for the release of the product on bond. (F. & D. No. 15866. I. S. No. 1246-t. S. No. C-3384.)**

On December 23, 1921, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 123 sacks, each containing 60 pounds, more or less, of pecans, remaining unsold in the original unbroken sacks at St. Louis, Mo., alleging that the article had been shipped on or about December 8, 1921, by Lee Davis, Brunswick, Miss., and transported from the State of Mississippi into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in large part of a filthy, decomposed, and putrid vegetable substance.



On March 11, 1922, the said Lee Davis, claimant, having filed his claim to the property and his answer to the libel, in which he admitted the allegations contained therein to be true, and the court having found that a certain proportion of the product was fit for human consumption, it was ordered by the court that the product might be released to said claimant upon payment of the costs of the proceeding and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the product found to be unsuitable for sale and human consumption as food be destroyed.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10458. Adulteration and misbranding of butter. U. S. \* \* \* v. Wilmer C. Gerhart and Charles J. Pagels (Gerhart & Pagels). Plea of guilty. Fine, \$200.** (F. & D. No. 15828. I. S. No. 6429-t.)

On May 22, 1922, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Wilmer C. Gerhart and Charles J. Pagels, trading as Gerhart & Pagels, Solebury, Penn., alleging shipment by said defendants, on or about February 24, 1921, in violation of the Food and Drugs Act, as amended, from the State of Pennsylvania into the State of New Jersey, of a quantity of an article labeled in part, "Fancy Maybrook Creamery Butter \* \* \* One Pound Net \* \* \*," which was adulterated and misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it contained from 66.8 per cent to 70.1 per cent of butter fat and from 28.4 per cent to 32.1 per cent of moisture. Examination of a representative number of samples showed that the packages containing the article weighed less than one pound each.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed with the article so as to lower and reduce and injuriously affect its quality and had been substituted in part for butter, which the article purported to be; and for the further reason that a valuable constituent of the article, to wit, butter fat, had been in part abstracted.

Misbranding was alleged for the reason that the statements, to wit, "Fancy Creamery Butter" and "One Pound Net," borne on the packages containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that said article consisted wholly of fancy creamery butter and that each of the packages contained one pound net of the article; and for the further reason that the said article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of fancy creamery butter and that each of the packages contained one pound net thereof, whereas, in truth and in fact, said article did not consist wholly of fancy creamery butter but did consist of a product deficient in butter fat and which contained an excessive amount of added water and each of said packages did not contain one pound net of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was a product deficient in butter fat and which contained added water prepared in imitation of fancy creamery butter and was offered for sale and sold under the distinctive name of another article, to wit, fancy creamery butter; and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 22, 1922, a plea of guilty to the information was entered on behalf of the defendants, and the court imposed a fine of \$200.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10459. Misbranding of Nervtone tablets. U. S. \* \* \* v. 17 Boxes of \* \* \* Nervtone Tablets, et al. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 16029, 16031, 16034, 16035, 16036, 16037, 16038, 16039, 16041, 16043, 16047. Inv. Nos. 24537, 35602, 35605, 35606, 35607, 35608, 35609, 35610, 35612, 35615, 35620. S. No. E-3773.)

On February 21, 23, and 24, 1922, respectively, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 617 boxes of Nervtone tablets, remaining unsold in the original unbroken packages at Biddeford, Waterville, Lewiston, and

Augusta, Me., respectively, consigned by A. F. Schambier, Manchester, N. H., alleging that the article had been shipped from Manchester, N. H., April 14, July 19, 20, and 27, December 21 and 31, 1921 [and February 5, 1922], respectively, and transported from the State of New Hampshire into the State of Maine, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the Nervtone Tablets No. 1 contained approximately 1/60 grain of mercuric chlorid, 1/120 grain of strychnine sulphate, 1/100 grain of arsenic trioxid, and 3 grains of iron sulphate each, together with aloes and cascara sagrada extract; and that the Nervtone Tablets No. 2 contained approximately 1/120 grain of strychnine sulphate, together with cascara and belladonna extracts and aloes.

Misbranding of the article was alleged in substance in the libels for the reason that the cartons and envelopes containing the said article and the leaflets accompanying the same bore the following statements regarding its curative or therapeutic effects, (carton) (English) "Nervtone Tablets 100 No. 1 \* \* \* Tablets 30 No. 2 For Liver or Kidney Troubles Recommended for Dyspepsia, Rheumatism, Indigestion, Nervous Trouble, Diminution of the ordinary vigor of the body and mind, through overwork, mental worry, and all female complaints \* \* \*," (French) "Recommended for Dyspepsia, Rheumatism, Indigestion, Nervousness, Exhaustion through work, Loss of Sleep, Pains in the Side or Back, Exhausted Vitality resulting from any cause whatsoever, and all diseases peculiar to women \* \* \*," (carton and envelope) (English) "Nervtone (No. 2) Tablets Useful in \* \* \* Defective Elimination, Liver and Kidney Troubles \* \* \*," (French) " \* \* \* indispensable against \* \* \* diseases of the liver and kidneys \* \* \*," (leaflet) (English and French) " \* \* \* Nervtone Tablets No. 2 \* \* \* for \* \* \* Liver and Kidney Troubles, Bilious Affections (les Systèmes Bileux) and Digestive Disorders (la Mauvaise Digestion en général). \* \* \* Serious diseases, such as dyspepsia, gall stones, appendicitis, etc., soon make their presence felt if the stomach and bowels do not work properly. \* \* \* for the speedy relief of \* \* \* the worst forms of digestive troubles. They relieve the stomach by doing a share of its work. \* \* \* Take also Nervtone Tablets No. 1 for Indigestion, Nervousness, Rheumatism, etc. \* \* \*," which statements were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the therapeutic or curative effects claimed. Misbranding was alleged for the further reason that the said cartons bore the following statement, "No \* \* \* dangerous drug," which statement was false and misleading.

On March 13, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10460. Misbranding of canned tomatoes. U. S. \* \* \* v. 75 Cases of Canned Tomatoes. Judgment by consent for release of the product under bond.** (F. & D. No. 14571. I. S. Nos. 6537-t, 8203-t. S. No. E-3155.)

On March 7, 1921, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 75 cases of canned tomatoes, at Utica, N. Y., alleging that the article had been shipped by the Preston Canning Co., Preston, Md., on or about December 4, 1920, and transported from the State of Maryland into the State of New York, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Can) "Contents 6 Lbs. 4 Oz. Or Over. I. X. L. Brand Tomatoes \* \* \* Packed By Preston Canning Company, Preston, Maryland."

Misbranding of the article was alleged in substance in the libel for the reason that the label of the can containing the said article bore the statement, "Contents 6 Lbs. 4 Oz. Or Over," which statement was false and was intended to deceive and mislead the purchaser into the belief that each of the said cans contained 6 pounds 4 ounces or over of the article, whereas each of the said cans did not in fact contain 6 pounds 4 ounces or over of the said article. Misbranding was alleged for the further reason that the correct

amount or quantity of the contents in each package was not plainly and conspicuously marked on the outside of the said package.

On July 15, 1921, Griffin & Hoxie, Utica, N. Y., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of the court was entered ordering that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, in conformity with section 10 of the act, conditioned in part that the said product be relabeled "Contents Six Pounds" and that the statement, "4 Oz. Or Over," be removed or obliterated from the label.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10461. Adulteration of lemon extract. U. S. \* \* \* v. Meyer Bros. Coffee & Spice Co., a Corporation. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 15856. I. S. No. 211-t.)**

On March 28, 1922, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Meyer Bros. Coffee & Spice Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about August 3, 1921, from the State of Missouri into the State of Illinois, of a quantity of lemon extract which was adulterated. The article was labeled in part: "The Kane 4 Ozs. Terpeneless Lemon Extract \* \* \*"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of a dilute terpeneless lemon extract, deficient in citral.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, a diluted terpeneless lemon extract deficient in citral, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for terpeneless lemon extract, which the article purported to be.

On April 20, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10462. Adulteration and misbranding of canned salmon. U. S. \* \* \* v. 780 Cases \* \* \* of Canned Salmon. Judgment by consent for release of product under bond. (F. & D. No. 15874. I. S. No. 1311-t. S. No. C-3009.)**

On December 30, 1921, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 780 cases of canned salmon, at Little Rock, Ark., consigned by the Carlisle Packing Co., Seattle, Wash., alleging that the article had been shipped from Seattle, Wash., December 15, 1921, and transported from the State of Washington into the State of Arkansas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Case) "4 Dozen Tall One Pound Cans Beluga Brand Yukon Salmon Packed by Carlisle Packing Co., Seattle, Wash., U. S. A."; (can) "Beluga Brand Yukon Salmon Contents One Pound Yukon's Silver Salmon \* \* \*"

Adulteration of the article was alleged in the libel for the reason that chum salmon had been substituted wholly or in part for silver salmon.

Misbranding was alleged in substance for the reason that the above-quoted statements appearing in the labeling were false and misleading and deceived and misled the purchaser; and for the further reason that the said article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, "Silver Salmon."

On January 11, 1922, the Scott-Mayer Commission Co., Little Rock, Ark., having intervened as claimant for the property and having executed a bond in the sum of \$200, conditioned that the said product be relabeled "Yukon Chum Salmon," it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*



**10463. Adulteration and misbranding of couch grass. U. S. \* \* \* v. Herbert Robinson McIlvaine & Donald McIlvaine (McIlvaine Bros.). Pleas of guilty. Fine, \$100. (F. & D. No. 15990. I. S. No. 6345-t.)**

On May 22, 1922, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Herbert Robinson McIlvaine and Donald McIlvaine, copartners, trading as McIlvaine Bros., Philadelphia, Pa., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about May 5, 1921, from the State of Pennsylvania into the State of New York, of a quantity of couch grass which was adulterated and misbranded. The article was labeled in part: "McIlvaine's (McIB) Couch Grass \* \* \* McIlvaine Brothers, Importers And Manufacturers, Philadelphia \* \* \*."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of 84 per cent Bermuda grass and 16 per cent genuine couch grass.

Adulteration of the article was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopœia, official at the time of investigation, in that the article was a mixture composed in large part of Bermuda grass, whereas the said pharmacopœia provided that the said article, to wit, couch grass, should consist exclusively of *Triticum*.

Misbranding was alleged for the reason that the statement, to wit, "Couch Grass," borne on the packages containing the article, regarding the article and the substance contained therein, was false and misleading in that it represented that the said article consisted wholly of couch grass, whereas, in truth and in fact, it did not so consist but did consist in large part of Bermuda grass. Misbranding was alleged for the further reason that the article was a mixture composed in large part of Bermuda grass and was offered for sale and sold under the name of another article, to wit, couch grass.

On May 22, 1922, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$100.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10464. Adulteration and misbranding of butter. U. S. \* \* \* v. Frank Hurwitz. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 16006. I. S. No. 8370-t.)**

On May 2, 1922, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Frank Hurwitz, Baltimore, Md., alleging shipment by said defendant, on or about September 28, 1921, in violation of the Food and Drugs Act, as amended, from the State of Maryland into the District of Columbia, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "Moon Girl Brand Pure Creamery Butter. Manufactured by F. Hurwitz, Baltimore, Md. \* \* \* One Pound Net When Packed."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 22.6 per cent moisture. Examination of 52 cartons by said bureau showed an average weight of 15.28 ounces.

Adulteration of the article was alleged in the information for the reason that a certain substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality, for the further reason that a substance, to wit, excessive added water, had been substituted in part for butter, which the article purported to be, and for the further reason that a valuable constituent thereof, to wit, milk fat, had been in part abstracted.

Misbranding was alleged in substance for the reason that the statements, to wit, "Pure Creamery Butter \* \* \* One Pound Net," borne on the cartons containing the article, and the statement "Net Weight One Pound," borne on the wrappers thereof, regarding the article and the substance contained therein, were false and misleading in that the said statements represented that the article consisted wholly of pure creamery butter and that each of the packages contained one pound net of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of pure creamery butter and that each of the said packages contained one pound net of the said article.

whereas, in truth and in fact, the article did not consist wholly of pure creamery butter but did consist in part of excessive added water, and each of the said packages did not contain one pound net of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not conspicuously and plainly marked on the outside of the package.

On May 2, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10465. Adulteration of canned peaches. U. S. \* \* \* v. The Booth Packing Co., a Corporation. Plea of nolo contendere. Fine, \$50 and costs. (F. & D. No. 16221. I. S. Nos. 13063-t, 13065-t.)**

On May 19, 1922, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Booth Packing Co., a corporation, trading at Baltimore, Md., alleging shipment by said company, in violation of the Food and Drugs Act, on or about February 8, 1921, from the State of Maryland into the State of Tennessee, of a quantity of canned peaches which were adulterated. The article was labeled in part: "Diamond Brand P'e Peaches \* \* \*"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed an excessive amount of worm infested product.

Adulteration of the article was alleged in substance in the information for the reason that it consisted in whole or in part of filthy, decomposed, or putrid animal and vegetable substances.

On May 19, 1922, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10466. Adulteration of oranges. U. S. \* \* \* v. 458 Boxes \* \* \* of Oranges. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16355. I. S. Nos. 3606-t, 3607-t. S. No. C-3553.)**

On April 17, 1922, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 458 boxes of oranges, remaining in the original unbroken packages at St. Paul, Minn., alleging that the article had been shipped by the Randolph Marketing Co., from Highland, Calif., on or about April 5, 1922, and transported from the State of California into the State of Minnesota, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, respectively, "Randolph Special Brand" and "Geranium Brand."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a decomposed vegetable substance.

On May 3, 1922, the C. H. Robinson Co., Minneapolis, Minn., claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the said product be salvaged under the supervision of this department and the rejected oranges destroyed.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10467. Adulteration of oranges. U. S. \* \* \* v. 396 Boxes \* \* \* of Oranges. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16358. I. S. Nos. 3761-t, 3762-t. S. No. C-3529.)**

On April 11, 1922, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 396 boxes of oranges, at Omaha, Nebr., alleging that the article had been shipped by the Randolph Marketing Co., from Orange Heights, Calif., on or about March 27, 1922, and transported from the State of California into the State of Nebraska, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, respectively: "Blue Star Brand



Seedlings Randolph Marketing Co. Golden Quality Oranges Randolph Marketing Co. California" and "Red Star Brand Oranges \* \* \*."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On April 14, 1922, the Randolph Marketing Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree of condemnation and forfeiture, judgment was entered declaring the product to be adulterated and ordering its release to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,500, in conformity with section 10 of the act, conditioned in part that the said product be salvaged and the decomposed oranges destroyed and that after inspection by a representative of this department the portion found to be within the requirements of the law be delivered to the said claimant without conditions.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10468. Adulteration of lemons. U. S. \* \* \* v. 413 Boxes \* \* \* of Lemons. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16364. I. S. No. 18680-t. S. No. C-3636.)**

On or about May 15, 1922, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 413 boxes of lemons, remaining in the original unbroken packages at Streator, Ill., alleging that the article had been shipped by the Peppers Fruit Co., from Colton, Calif., April 21, 1922, and transported from the State of California into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, respectively, "Twin Peaks" and "Pulman."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance.

On May 29, 1922, the Peppers Fruit Co., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the product be sorted under the supervision of this department, the bad portion destroyed and the portion found fit for human food delivered to the claimant.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10469. Adulteration of oranges. U. S. \* \* \* v. 271 Boxes of Oranges. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16371. I. S. No. 5575-p. S. No. E-3875.)**

On or about May 10, 1922, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure and condemnation of 271 boxes of oranges, remaining unsold at Boston, Mass., consigned April 5, 1922, alleging that the article had been shipped by the Lindsay District Orange Co., Lindsay, Calif., and transported from the State of California into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Fancy San Joaquin Oranges. Packed by Lindsay District Orange Co., Lindsay, California."

Adulteration of the article was alleged in the libel of information for the reason that it consisted in whole or in part of a decomposed vegetable substance.

On May 15, 1922, the California Fruit Growers Exchange having entered an appearance as claimant for the property and having filed a satisfactory bond, in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10470. Adulteration of scallops. U. S. \* \* \* v. Morehead City Sea Food Co., a Corporation. Plea of guilty. Fine, \$10 and costs. (F. & D. No. 11359. I. S. Nos. 12677-r, 12680-r.)**

On February 5, 1921, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in



the District Court of the United States for said district an information against the Morehead City Sea Food Co., a corporation, Morehead City, N. C., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 26 and 29, 1919, from the State of North Carolina into the State of Massachusetts, of quantities of an article of food, to wit, scallops, which was adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the presence of added water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for scallops, which the article purported to be.

On April 25, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10471. Adulteration of scallops. U. S. \* \* \* v. Lee Roy Carson and Isaac H. Tawes (L. R. Carson). Plea of guilty. Fine, \$10 and costs.** (F. & D. No. 11958. I. S. Nos. 12835-r, 13748-r, 14753-r, 14937-r, 15375-r, 15553-r, 17877-r.)

On April 27, 1920, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Lee Roy Carson and Isaac H. Tawes, trading as L. R. Carson, Morehead City, N. C., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about March 5, 1919, from the State of North Carolina into the State of Massachusetts, on or about January 24 and March 5, 1919, from the State of North Carolina into the State of New York, on or about January 24, 1919, from the State of North Carolina into the State of Pennsylvania, on or about January 24 and 31, 1919, from the State of North Carolina into the District of Columbia, and on or about March 7, 1919, from the State of North Carolina into the State of New Jersey, of quantities of an article of food, to wit, scallops, which was adulterated.

Analyses of samples of the article by the Bureau of Chemistry of this department showed the presence of added water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for scallops, which the article purported to be.

On April 27, 1922, a plea of guilty to the information was entered on behalf of the defendants, and the court imposed a fine of \$10 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10472. Adulteration of scallops. U. S. \* \* \* v. Wallace M. Quinn (Wallace M. Quinn Co.). Plea of guilty. Fine, \$10 and costs.** (F. & D. No. 13944. I. S. Nos. 12597-r, 13225-r, 13486-r, 15222-r, 15960-r, 15991-r, 16517-r, 16700-r, 16754-r, 218-r, 210-r, 201-r, 207-r, 212-r, 217-r.)

On May 18, 1921, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Wallace M. Quinn, trading as the Wallace M. Quinn Co., Morehead City, N. C., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about March 10, 1920, from the State of North Carolina into the State of Ohio, on or about March 11, 1920, from the State of North Carolina into the State of Michigan, on or about March 11 and 2, 1920, from the State of North Carolina into the State of New York, on or about March 11, 1920, from the State of North Carolina into the State of Connecticut, on or about March 12, 1920, from the State of North Carolina into the State of Missouri, on or about March 12, 1920, from the State of North Carolina into the State of Minnesota, on or about March 6 and 1, 1920, from the State of North Carolina into the State of Massachusetts, on or about March 4, January 17, and March 6, 1920, from the State of North Carolina into the State of Pennsylvania, on or about January 9, 1920, from the State of North Carolina into the State of Virginia, and on or about March 27 and 6, 1920, from the State of North Carolina into the State of Maryland, of quantities of an article of food, to wit, scallops, which was adulterated.

Analyses of samples of the article by the Bureau of Chemistry of this department showed the presence of added water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for scallops, which the article purported to be.

On March 29, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10473. Adulteration of scallops. U. S. \* \* \* v. Lewis Kerby Piner and Martin Luther Piner (Piner Bros.), and Piner Bros., a Corporation. Fine of \$10 and costs imposed in each case upon pleas of guilty.** (F. & D. Nos. 11615, 14536. I. S. Nos. 12805-r, 13842-r, 203-r, 206-r, 211-r, 548-r, 14095-r.)

On February 5 and May 13, 1921, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district informations against Lewis Kerby Piner and Martin Luther Piner, trading as Piner Bros., and against Piner Bros., a corporation, Morehead City, N. C., alleging shipment by said defendants, on or about March 7, 1919, from the State of North Carolina into the State of Massachusetts, and on or about March 5, 1919, from the State of North Carolina into the State of New York, and by said corporation, on or about March 10 and 11, 1920, from the State of North Carolina into the State of Maryland, on or about March 10, 1920, from the State of North Carolina into the State of Pennsylvania, and on or about March 6, 1920, from the State of North Carolina into the State of New York, of quantities of an article of food, to wit, scallops, which in each case was adulterated.

Analyses of samples of the article by the Bureau of Chemistry of this department showed the presence of added water.

Adulteration of the article shipped by the individual defendants was alleged in one of the informations for the reason that water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and for the further reason that valuable constituents of the said article had been in part abstracted therefrom. Adulteration of the article shipped by the defendant corporation was alleged in the other information for the reason that a substance, to wit, water, had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for scallops, which the article purported to be, and for the further reason that a certain valuable constituent of the article, to wit, scallop solids, had been in part abstracted.

On January 17, 1922, a plea of guilty to one of the informations having been entered on behalf of the individual defendants, the court imposed of fine of \$10 and costs, and on April 27, 1922, a plea of guilty to the other information having been entered on behalf of the defendant corporation, the court imposed a fine of \$10 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10474. Misbranding of beans. U. S. \* \* \* v. The Bay Fruit Co., a Corporation. Plea of guilty. Fine, \$50 and costs.** (F. D. No. 13904. I. S. No. 14473-r.)

On October 8, 1921, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Bay Fruit Co., a corporation, Charleston, S. C., alleging shipment by said company, on or about May 23, 1919, in violation of the Food and Drugs Act, as amended, from the State of South Carolina into the State of New York, of an article of food, to wit, beans, which was misbranded. The baskets containing the article bore no statements as to weight or contents.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 3, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*



**10475. Adulteration of scallops. U. S. \* \* \* v. Woodland & Co., a Corporation. Pleas of guilty. Fine, \$10 and costs in one case. Payment of costs in other case. (F. & D. Nos. 14045, 15262. I. S. Nos. 549-r, 13226-r, 15225-r, 15523-r, 6372-t, 6575-t, 7533-t.)**

On May 28 and November 23, 1921, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district informations against Woodland & Co., a corporation, Morehead City, N. C., alleging shipment by said company, in violation of the Food and Drugs Act, on or about March 6, 1920, and March 14, 16, and 17, 1921, respectively, from the State of North Carolina into the State of New York, on or about March 4, 1920, from the State of North Carolina into the State of Massachusetts, on or about March 6, 1920, from the State of North Carolina into the State of New Jersey, and on or about March 5, 1920, from the State of North Carolina into the State of Maryland, of quantities of an article of food, to wit, scallops, which was adulterated.

Analyses of samples of the article by the Bureau of Chemistry of this department showed the presence of added water.

Adulteration of the article was alleged in the informations for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for scallops, which the article purported to be, and for the further reason that a valuable constituent of the article, to wit, scallop solids, had been in part abstracted.

On March 27, 1922, pleas of guilty to the informations were entered on behalf of the defendant company; in one case the court imposed a fine of \$10 and costs, and in the other case adjudged that the defendant should pay the costs of the proceedings.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10476. Adulteration of scallops. U. S. \* \* \* v. Milton S. Lee (M. S. Lee & Co.). Plea of guilty. Fine, \$10 and costs. (F. & D. No. 15260. I. S. Nos. 6568-t, 6573-t, 6633-t, 6636-t.)**

On November 4, 1921, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Milton S. Lee, trading as M. S. Lee & Co., Morehead City, N. C., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about March 15, 16, 17, and 19, 1921, from the State of North Carolina into the State of New York, of quantities of an article of food, to wit, scallops, which was adulterated.

Analyses of samples of the article by the Bureau of Chemistry of this department showed the presence of added water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and had been substituted in part for scallops, which the article purported to be, and for the further reason that a valuable constituent of the article, to wit, scallop solids, had been in part abstracted.

On April 25, 1922, the defendant entered a plea of guilty to the information, and on April 27, 1922, the court imposed a fine of \$10 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10477. Adulteration of scallops. U. S. \* \* \* v. Gilbert L. Arthur. Plea of guilty. Defendant discharged upon payment of costs. (F. & D. No. 15437. I. S. No. 6626-t.)**

On March 29, 1922, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Gilbert L. Arthur, Morehead City, N. C., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about March 16, 1921, from the State of North Carolina into the State of New York, of a quantity of an article of food, to wit, scallops, which was adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the presence of added water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as



to lower and reduce and injuriously affect its quality and had been substituted in part for scallops, which the article purported to be, and for the further reason that a valuable constituent of the article, to wit, scallops [scallop solids] had been in part abstracted.

On April 27, 1922, the defendant entered a plea of guilty to the information, and the court adjudged that he should be discharged upon the payment of the costs of the proceedings.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10478. Adulteration of scallops. U. S. \* \* \* v. Charles Tolson. Plea of guilty. Defendant discharged on payment of costs. (F. & D. No. 15457. I. S. No. 6627-t.)**

On March 22, 1922, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Charles Tolson, Morehead City, N. C., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about March 16, 1921, from the State of North Carolina into the State of New York, of a quantity of an article of food, to wit, scallops, which was adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the presence of added water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for scallops, which the article purported to be, and for the further reason that a valuable constituent of the article, to wit, scallop solids, had been in part abstracted.

On April 24, 1922, the defendant entered a plea of guilty to the information, and on April 27, 1922, the court adjudged that he should be discharged upon payment of the costs of the proceedings.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10479. Adulteration of ice cream cones. U. S. \* \* \* v. Armour & Co., a Corporation. Plea of guilty. Fine, \$400. (F. & D. No. 15576. I. S. Nos. 229-r, 230-r, 16588-r.)**

On February 6, 1922, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Armour & Co., a corporation, doing business at Columbia, S. C., alleging shipment by said company, in violation of the Food and Drugs Act, on or about March 17, 1920, from the State of South Carolina into the State of North Carolina, of two consignments, and into the State of Georgia, of one consignment, of an article of food labeled in part "Goodie Cones," which was adulterated.

Examination of a sample of the article by the Bureau of Chemistry of this department showed that it was partly decomposed.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On June 7, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$400.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10480. Misbranding of Durand's Swiss herb tea. U. S. \* \* \* v. 5 Dozen Packages and 11½ Dozen Packages \* \* \* of Durand's Swiss Herb Tea. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 16323, 16324. Inv. Nos. 37066, 37067. S. Nos. E-3901, E-3902.)**

On May 16, 1922, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 5 dozen packages and 11½ dozen packages of Durand's Swiss herb tea, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Durand Medicine Co., Cincinnati, Ohio, alleging that the article had been shipped from Cincinnati, Ohio, on or about April 28 (and April 1), 1922, and transported from the State of Ohio into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of a mixture of plant drugs, including approximately 50 per cent of senna, with smaller amounts of fennel seed, orange peel, licorice root, juniper berries, althea root, sassafras bark, lavender flowers, buckthorn bark, red clover tops, and saffron.

Misbranding of the article was alleged in substance in the libels for the reason that the labels and accompanying circulars contained the following statements, designs, and devices regarding the curative or therapeutic effects of the article, (wrapper label) " \* \* \* To be used against Headache, \* \* \* Dizziness, Indigestion, Female Complaints, Liver and Kidney Complaints, Blood and Skin diseases, etc. \* \* \* To Purify Your Blood, \* \* \* Nature's Own Blood Purifier. \* \* \* Malarial Fever, Chills, \* \* \* Female Troubles, \* \* \* Liver and Kidney Troubles, etc. Beautifies the Complexion. \* \* \* For Colds, Coughs, \* \* \*," (small circular) " \* \* \* The Great Blood Purifying \* \* \* Remedy. To be used against Colds and disorders of the Lungs, Stomach, Liver, Kidneys and Bladder; also against Headache, \* \* \* Coughs, Dizziness, Loss of Appetite, Indigestion, Phlegm, Sleeplessness, Pale Complexion, Weakness, Pains in the Limbs, Rheumatism, Inflammation, Toothache, Blood and Skin Diseases, and Female Complaints. \* \* \* by taking cold \* \* \* sicknesses may result, such as fevers, measles, rheumatism, inflamed and sore throat, cough, skin diseases, boils, toothache, earache, headache, neuralgia, swollen glands and limbs, and many others. Therefore, as soon as you commence feeling badly you should at once take a cup of Durand's Tea. \* \* \* For Use.—In all cases of Colds, Chills, Toothache, etc. \* \* \* Cough, Hoarseness, Influenza, Phlegm, \* \* \* Indigestion, Headache, and in General, take \* \* \* until the desired effect is obtained. \* \* \* a Blood Purifier and Liver Regulator, and in \* \* \* Skin Diseases, Boils, Kidney Troubles, and all Scrofulous and Chronic Evils, \* \* \* In case of Female Complaints, Colds and Costiveness during Pregnancy, this Tea should be made not very strong, and taken every day. All these troubles may affect the child more than they do the mother. If neglected, they may cause sores and eruptions on the child's head, face and ears, for a long time after its birth. For Imperfect or Irregular Menstruation \* \* \*," (circular—price list) " \* \* \* This tea \* \* \* can be used in almost every case of sickness, \* \* \* It is a valuable remedy for purifying the blood, \* \* \* most excellent for \* \* \* Colds, Coughs, Indigestion, Headache, Dizziness, Loss of Appetite, Fluttering at the Heart, Pains in the Back and Side, Liver and Kidney Trouble, Rheumatism, Itching of the Skin, Sallow Complexion, Heartburn, Nausea, Biliousness, and Sleeplessness. If you are suffering with Acidity of the Stomach, disgust for food, choking or suffocating sensations when in bed, dimness of vision, flatulency, hurried or difficult breathing, inward piles, fulness of blood to the head, pimples, or any of the many complaints arising from impure blood and want of action of the liver, you should at once commence taking Durand's Tea. \* \* \*," which were false and fraudulent in that the said article would not produce the curative or therapeutic effects which purchasers were led to expect by the said statements, designs, and devices, and which were applied to the said article with a knowledge of their falsity for the purpose of defrauding purchasers thereof.

On June 5, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10481. Misbranding of Dr. Sullivan's sure solvent. U. S. \* \* \* v. 13 Bottles \* \* \* of Dr. Sullivan's Sure Solvent. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16139. Inv. No. 33972. S. No. C-3539.)**

On April 24, 1922, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 13 bottles of Dr. Sullivan's sure solvent, at Chicago, Ill., consigned by the Plimpton Cowan Co., Buffalo, N. Y., alleging that the article had been shipped from Buffalo, N. Y., September 26, 1921, and transported from the State of New York into the State of Illinois, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of approximately 3 per cent of extracts



of vegetable drugs, including quassia, senna, and cinchona, approximately 8 per cent of alcohol, and approximately 89 per cent of water, sweetened with saccharin.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements regarding the curative or therapeutic effect of the said article, appearing on the labeling thereof, to wit, (bottle label) " \* \* \* Sure Solvent \* \* \* A medicine for \* \* \* Kidney and Liver Complaint, Catarrh of the Stomach, Rheumatism, Nervous Exhaustion, \* \* \* Asthma \* \* \* and various Female Weaknesses \* \* \* especially recommended for disorders of the Stomach \* \* \*," (carton and circular) " \* \* \* Sure Solvent \* \* \* A Medicine of Value for Rheumatism, Kidney Trouble And Blood Diseases \* \* \* especially recommended for all disorders of the stomach, \* \* \*," (carton) " \* \* \* Blood Purifier \* \* \*," (circular) " \* \* \* a safeguard against disease encroachment \* \* \* remarkable work it does in checking disease and repairing its ravages \* \* \*," (testimonials) " \* \* \* inflammatory rheumatism \* \* \* gallstones \* \* \* appendicitis. \* \* \* eczema \* \* \* neuralgia \* \* \* tumors \* \* \* running sore \* \* \* lung trouble \* \* \*," were false and fraudulent in that the said statements were applied to the said article so as to represent falsely and fraudulently, and to create in the minds of purchasers thereof the impression and belief, that the article was composed of or contained ingredients or medicinal agents or combinations of ingredients effective as a remedy for the diseases, ailments, and afflictions mentioned upon the said labeling.

On June 12, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10482. Adulteration of oranges. U. S. \* \* \* v. 462 Boxes \* \* \* of Oranges. Decree entered ordering 434 boxes released unconditionally and 28 boxes released for the purpose of manufacture into marmalade, preserves, etc. (F. & D. No. 15795. I. S. No. 18427-t. S. No. C-3483.)**

On March 15, 1922, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 462 boxes of oranges, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Citrus Growers Cash Assoc., from Pachappa, Calif., on or about March 4, 1922, and transported from the State of California into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: (Box) "Wash. Navels \* \* \* All Star Brand \* \* \* Citrus Growers Cash Association, California, Main Office Los Angeles"; (wrapper) "Glen Rosa Brand." The remainder of the article was labeled in part: (Box) " \* \* \* State Flower Brand \* \* \*."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On March 17, 1922, the Scalzo-Gunn-Fiorita Fruit Co., St. Louis, Mo., having entered an appearance as claimant for the property, judgment of the court was entered ordering that 434 boxes of the product be released unconditionally, and that 28 boxes of the said product be released for the sole purpose of manufacture into marmalade, preserves, etc., and that the claimant pay all costs of the proceedings.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10483. Adulteration of coriander seed. U. S. \* \* \* v. One Drum and 100 Pounds \* \* \* of Coriander Seed. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 15940, 15955. Inv. Nos. 34412, 34026. S. Nos. C-3406, C-3421.)**

On January 25 and 31, 1922, respectively, the United States attorney for the Eastern District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of one drum and 100 pounds of coriander seed, remaining unsold in the original unbroken packages at St. Louis, Mo., in the possession of the David G. Evans Coffee Co., alleging that the article had been shipped from National Stock Yards, Ill., on or about January 12 and 23, 1922,



respectively, and transported from the State of Illinois into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, respectively: "100 Lbs. Net Ground Coriander Seed"; and "100 Lbs. Net Pure Ground Coriander Seed from David G. Evans Coffee Co., St. Louis, Mo."

Adulteration of the article was alleged in substance in the libels for the reason that sand had been mixed and packed with and substituted in part for the said article.

On April 27, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10484. Adulteration of prunes and loganberries. U. S. \* \* \* v. 64 Cases \* \* \* of Prunes and 9 Cases \* \* \* of Loganberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 15947, 15948. Inv. No. 34409. S. No. C-3417.)**

On January 27, 1922, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 64 cases of canned prunes and 9 cases of canned loganberries, remaining unsold in the original unbroken cases at St. Louis, Mo., alleging that the articles had been shipped by the Graves Canning Co., Sheridan, Oreg., on or about September 19, 1920, and transported from the State of Oregon into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. The articles were labeled in part, respectively: "\* \* \* Solid Pack Water \* \* \* Prunes \* \* \*"; "\* \* \* Solid Pack Water Loganberries."

Adulteration of the articles was alleged in the libel for the reason that they consisted wholly or in large part of filthy, putrid, and decomposed vegetable substances.

On April 17, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10485. Adulteration of cumin seed. U. S. \* \* \* v. 2 Drums \* \* \* of Cumin Seed. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15928. Inv. No. 34408. S. No. C-3401.)**

On January 18, 1922, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 drums of cumin seed, remaining unsold in the original unbroken packages at St. Louis, Mo., in the possession of the Hanley & Kinsella Coffee & Spice Co., alleging that the article had been shipped from Indianapolis, Ind., on or about December 22, 1921, and transported from the State of Indiana into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in large part of added sand and grit.

On April 27, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10486. Adulteration and misbranding of cottonseed meal. U. S. \* \* \* v. 112 Sacks of Cottonseed Meal. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 15735. I. S. No. 9190-t. S. No. E-3688.)**

On or about January 6, 1922, the United States attorney for the Western District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 112 sacks of cottonseed meal, at Spartanburg, S. C., alleging that the article had been shipped by the Central Oil Co., Macon, Ga., on or about October 7, 1921, and transported from the State of Georgia into the State of South Carolina, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled

in part: "100 Lbs. Net Good Cotton Seed Meal Manufactured by Central Oil Company, Cotton Seed Products, Macon, Ga. \* \* \*"

Adulteration of the article was alleged in the libel for the reason that a substance deficient in protein and containing excessive fiber had been mixed and packed with, and substituted wholly or in part for, the said article. Adulteration was alleged for the further reason that the article was mixed in a manner whereby its damage or inferiority was concealed.

Misbranding was alleged in substance for the reason that certain statements appearing on the tag of each of the sacks containing the said article, to wit, "Guaranteed Analysis: \* \* \* Protein (Minimum) 36.00 per cent \* \* \* Crude Fibre (Maximum) 14.00 per cent \* \* \*," were false and misleading and deceived and misled purchasers. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article.

On June 22, 1922, no claimant having appeared for the property, final judgment was entered for the condemnation and forfeiture of the product, and it was ordered by the court that the tags be removed from the said sacks and the product sold by the United States marshal for fertilizer.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10487. Misbranding of Euca-Mul. U. S. \* \* \* v. 12 Dozen Bottles of Euca-Mul. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14250. Inv. No. 26872. S. No. C-2729.)**

On January 24, 1921, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 12 dozen bottles of Euca-Mul, remaining unsold in the original unbroken bottles at St. Louis, Mo., alleging that the article had been shipped by the Edward G. Binz Co., Los Angeles, Calif., on or about December 4, 1920, and transported from the State of California into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of an emulsion of eucalyptus oil, reducing sugar, glycerin, gum, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements appearing in the label on the bottle containing the said article, regarding the curative and therapeutic effects thereof, were false and fraudulent: "Indicated In Croup \* \* \* Bronchial Asthma. Tuberculosis, Whooping Cough And Other Throat And Lung Affections \* \* \* relieves \* \* \* bronchial asthma. Especially effective in cough of phthisis and Whooping Cough \* \* \*"

On May 8, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10488. Misbranding and alleged adulteration of lemon flavor pie filling compound. U. S. \* \* \* v. 912 Packages of Lemon Flavor Pie Filling Compound. Decree declaring product misbranded and ordering its release under bond. (F. & D. No. 14188. I. S. No. 2092-t. S. No. C-2665.)**

On January 28, 1921, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 912 packages of lemon flavor pie filling compound, at Shreveport, La., alleging that the article had been shipped by the Jewel Tea Co., Inc., Chicago, Ill., October 2, 1920, and transported from the State of Illinois into the State of Louisiana, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "Jewel Brand Lemon Flavor Pie Filling Compound \* \* \* Jewel Tea Co., Inc., Headquarters New York, New Orleans, Chicago, San Francisco \* \* \*"

Adulteration of the article was alleged in the libel for the reason that an artificially colored product consisting essentially of starch, sugar, and gelatin had been mixed and packed with and substituted wholly or in part for the article, and for the further reason that it was mixed and colored in a manner whereby inferiority was concealed.



Misbranding was alleged in substance for the reason that the cartons containing the article bore the statement on the label thereof, "Lemon Flavor Pie Filling," which was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article.

On May 22, 1922, the Jewel Tea Co., Inc., having entered an appearance as claimant for the property, judgment was entered finding the product to be misbranded but not adulterated, and it was ordered by the court that the said product be released to the said claimant upon the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that it be relabeled in a manner satisfactory to this department, and that the case be dismissed at the costs of the claimant.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10489. Adulteration and misbranding of canned red kidney beans. U. S. \* \* \* v. 40 Cases \* \* \* of Red Kidney Beans \* \* \*. Consent decree providing for release of the product under bond. (F. & D. No. 12163. I. S. No. 8558-r. S. No. C-1724.)**

On February 16, 1920, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 40 cases of red kidney beans, remaining unsold in the original unbroken packages at Champaign, Ill., consigned by the Central States Canning Co., Indianapolis, Ind., alleging that the article had been shipped on or about November 23, 1919, and transported from the State of Indiana into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Central States Brand Red Kidney Beans \* \* \* Central States Canning Co., Indianapolis, Ind. \* \* \*"

Adulteration of the article was alleged in the libel for the reason that long cranberry beans had been mixed and packed with, and substituted wholly or in part for, the said article.

Misbranding was alleged for the reason that the statement on the cases and cans containing the article, "Red Kidney Beans," together with the design of a dish containing large red beans, was false and misleading and deceived and misled the purchaser, since long cranberry beans had been mixed and packed with, and substituted wholly or in part for, red kidney beans. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article.

On August 30, 1921, the Central States Canning Co., Indianapolis, Ind., claimant, having admitted the allegations of the libel, having consented to a decree, and having expressed a willingness to eliminate the words "Red Kidney" and label the product "Naga Uzura Beans," judgment of the court was entered finding that the product had been unlawfully shipped in interstate commerce and that it was improperly and unlawfully labeled, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$200, in conformity with section 10 of the act, conditioned in part that the words "Red Kidney" be not used on the labels of the said product.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10490. Misbranding of Abbott Bros. compound for rheumatism. U. S. \* \* \* v. 2½ Dozen Bottles of Abbott Bros. Compound for Rheumatism. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16318. Inv. No. 39380. S. No. E-3867.)**

On or about May 16, 1922, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2½ dozen bottles of Abbott Bros. compound for rheumatism, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Abbott Bros. Co., Berwyn, Ill., alleging that the article had been shipped from Berwyn, Ill., on or about April 26, 1920, and transported from the State of Illinois into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended.



Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of potassium and sodium iodids, extracts of vegetable drugs including colchicum, alcohol, and water, flavored with essential oils including methyl salicylate.

Misbranding of the article was alleged in substance in the libel for the reason that the labels and accompanying circular contained the following statements, designs, and devices regarding the curative or therapeutic effects of the said article, (bottle label) " \* \* \* For Rheumatism \* \* \* " (carton label) " \* \* \* For Rheumatism \* \* \* Muscular, Articular, Inflammatory, \* \* \* Sciatica, Rheumatic Neuritis, and Stiffness and Soreness of the Joints and Muscles, \* \* \* Lumbago and all Muscular and Nerve Pains of Rheumatic Origin \* \* \* " (circular) " \* \* \* For Rheumatism \* \* \* treatment for the various forms of rheumatism, \* \* \* successful treatment of Rheumatic Diseases \* \* \* " which were false and fraudulent in that the said article would not produce the curative or therapeutic effects which purchasers were led to expect by the said statements, designs, and devices, and which were applied to the said article with a knowledge of their falsity for the purpose of defrauding purchasers thereof.

On June 5, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10491. Adulteration of oranges. U. S. \* \* \* v. 463 Cases \* \* \* of Oranges. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16096. I. S. No. 3921-t. S. No. C-3478.)**

On March 6, 1922, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 463 cases of oranges, remaining unsold in the original unbroken packages at Oklahoma City, Okla., alleging that the article had been shipped by the California Fruit Growers Exchange, from Highland, Calif., on or about February 24, 1922, and transported from the State of California into the State of Oklahoma, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, respectively: "Grove Brand, Washington Navels, Packed by Highland Fruit Growers Association, Highland \* \* \* California"; and "Cactus Brand Washington Navels, Packed by Highland Fruit Growers Association \* \* \*."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a decomposed vegetable substance.

On March 10, 1922, the California Fruit Growers Exchange, claimant, having admitted the allegations of the libel and having consented to the entry of a decree for the condemnation and forfeiture of the property, judgment of the court was entered finding the product adulterated and ordering that it be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, in conformity with section 10 of the act, conditioned in part that the car containing the product be reconsigned to New York, N. Y., and salvaged under the supervision of this department, the bad portion destroyed and the good portion delivered to the said claimant without condition.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10492. Misbranding of olive oil. U. S. \* \* \* v. 100 Gallon Cans, 40 Half-Gallon Cans, and 80 Quart Cans \* \* \* of Olive Oil. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15919. I. S. Nos. 3591-t, 3592-t, 3593-t. S. No. C-3400.)**

On January 13, 1922, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 gallon cans, 40 half-gallon cans, and 80 quart cans of olive oil, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by the Nasiatcos Importing Co., Chicago, Ill., December 10, 1921, and transported from the State of Illinois into the State of Minnesota, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Athlete Brand Pure Olive

Oil Nasiacos Importing Co., Chicago, Ills. One Gallon" (or "One Half Gallon" or "One Quart").

Misbranding of the article was alleged in the libel for the reason that the statements on the respective sized cans, "One Gallon Net," "One Half Gallon Net," and "One Quart Net," were false and misleading and deceived and misled the purchaser.

On April 4, 1922, James Mallers, Harry Kokenes, and Themistocles Kokenes, trading as the Nasiacos Importing Co., and George Bombolis, Minneapolis, Minn., claimants, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the Nasiacos Importing Co., or their agents, upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, said bond being conditioned in part that the cans containing the said product be refilled or re-labeled so as to comply with the provisions of the said act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10493. Adulteration of yeast. U. S. \* \* \* v. 804 Cases of \* \* \* Yeast and Yeast Foam. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 15537. Inv. Nos. 36241, 36242. S. No. E-3631.)

On November 7, 1921, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 804 cases of yeast and yeast foam, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by J. M. Gottesman, from Paris, France, on or about September 12, 1921, and received in the State of New York from a foreign country, to wit, France, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, worthless yeast, had been substituted wholly or in part for the said article.

On April 10, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10494. Adulteration of canned apples. U. S. \* \* \* v. 25½ Boxes (306 Cans) of \* \* \* Apples. Default decree ordering destruction of product.** (F. & D. No. 15294. I. S. No. 8356-t. S. No. E-3522.)

On or about August 10, 1921, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25½ boxes (306 cans) of apples, remaining in the original unbroken packages at Richmond, Va., alleging that the article had been shipped by the Crandall Pettie Co., New York, N. Y., on or about May 14, 1921, and transported from the State of New York into the State of Virginia, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Yankee Choice Apples Quality Guaranteed \* \* \* Packed By Saco Valley Canning Co., Portland, Me. \* \* \*."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On October 12, 1921, no claimant having appeared for the property, judgment of the court was entered ordering that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10495. Misbranding of olive oil. U. S. \* \* \* v. 25 Cans of Olive Oil. Default decree of condemnation, forfeiture, and sale or destruction.** (F. & D. No. 15095. I. S. No. 6700-t. S. No. E-3398.)

On June 27, 1921, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 cans of olive oil, remaining unsold in the original unbroken packages at Waterbury, Conn., alleging that the article had been shipped by the Southern Importing Co., New York, N. Y., on or about May 14, 1921, and



transported from the State of New York into the State of Connecticut, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "1 Quart Net Sico Brand Extra Fine Olive Oil. Guaranteed Absolutely Pure \* \* \* Packed By Southern Importing Co. \* \* \*"

Misbranding of the article was alleged in the libel for the reason that the cans containing the said article bore a certain statement, as follows, "One Quart Net," which said statement was misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 6, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal, with the proviso, however, that the product be sold if such sale could be speedily effected.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10496. Misbranding of Garren's blood purifier and tonic. U. S. \* \* \* v. 12 Dozen Bottles and 60 Dozen Bottles of Garren's Blood Purifier & Tonic. Default decrees ordering destruction of the product.** (F. & D. Nos. 14825, 14825-a. Inv. Nos. 32771, 32772. S. No. E-3338.)

On April 22, 1921, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 12 dozen bottles and 60 dozen bottles of Garren's blood purifier and tonic, remaining in the original unbroken packages at Richmond, Va., alleging that the article had been shipped in part by the Garren Medicine Co., on or about February 17, 1921, and in part by the Asheville Medicine Co., on or about February 22 and March 14, 1921, both consignments being made from Hendersonville, N. C., and that the article had been transported from the State of North Carolina into the State of Virginia, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of extract of plant drugs, including golden seal, glycerin, sodium benzoate, alcohol, and water.

Misbranding of the article was alleged in substance in the libels for the reason that the carton and bottle containing the said article bore the following statements regarding the curative and therapeutic effect thereof, (carton) " \* \* \* Blood Purifier \* \* \* for Indigestion, Dyspepsia, Nervousness, Weakness, \* \* \* Disorders of the Blood, \* \* \* Impure Blood, \* \* \* for Pimples, Blotches, Tumors, Boils, Ringworm, Scrofula, Ulcers and Syphilis. \* \* \* Indigestion \* \* \* Powerful purifier of the blood \* \* \*," (bottle) " \* \* \* Blood Purifier \* \* \* Indigestion \* \* \* A Purifier of the Blood \* \* \* Impurities of the Blood \* \* \*," which statements were false and fraudulent in that the said article did not contain any ingredients or combination of ingredients capable of producing the effect claimed.

On October 12, 1921, no claimant having appeared for the property, judgments of the court were entered ordering the destruction of the product by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10497. Adulteration of melon and lemon jam. U. S. \* \* \* v. 400 Cases of Melon and Lemon Jam. Default decree ordering destruction of the product.** (F. & D. No. 15971. I. S. No. 8518-t. S. No. E-3767.)

On or about February 8, 1922, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 400 cases of melon and lemon jam, remaining in the original unbroken packages at Richmond, Va., alleging that the article had been shipped by the E. B. Harris Co., Boston, Mass., on or about September 20, 1921, and transported from the State of Massachusetts into the State of Virginia, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Melon & Lemon Jam Contents—32 Ozs. Net. The Rosella Preserving and Manufacturing Co., Ltd., Melbourne, May, '19 Victoria, Australia."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.



On April 11, 1922, no claimant having appeared for the property, judgment of the court was entered ordering the destruction of the product by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10498. Misbranding of Madame Dean female pills. U. S. \* \* \* v. 5 Packages \* \* \* and 5 Packages \* \* \* of Madame Dean Female Pills \* \* \*. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13466. I. S. Nos. 6290-t, 6291-t. S. No. E-2552.)**

On September 2, 1920, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 packages of Madame Dean female pills (special) and 5 packages of Madame Dean female pills (single), at Orange, N. J., alleging that the article had been shipped by Martin Rudy, Lancaster, Pa., on or about June 30, 1920, and transported from the State of Pennsylvania into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Box label and wrapper) " \* \* \* Female Pills \* \* \* give relief in Female Disorders of the menstrual functions. \* \* \* for Painful, Irregular and Scanty Menstruation \* \* \*"; (booklet) " \* \* \* irregular, prolonged, or suppressed menstruation. \* \* \* Female Pills afford relief for these ailments. \* \* \* a remedy intended solely for the relief of Amenorrhea, Dysmenorrhea, scanty and irregular menstruation, and other derangements of the reproductive system, \* \* \* especially valuable in the functional changes \* \* \* of the menopause or change of life. \* \* \* Act on the circulatory system of the uterus, thereby relieving painful, irregular and scanty menstruation, and assist in re-establishing or restoring, the menstrual or monthly periods \* \* \* strengthen and build up the uterine function \* \* \*"; (circular) " \* \* \* a great relief against those general complaints the Female Sex is subject to; they help increase the vital quality of the blood; assist to bring nature into its proper channel, \* \* \* for irregular, painful, scanty or suppressed menstruations, \* \* \* should be taken \* \* \* to assist nature with \* \* \* disorders \* \* \* during the change of life period. \* \* \* Continue with the treatment until they give relief. \* \* \* great relief from Pains or Headache; \* \* \* for suppressed menstruation \* \* \* Continue their use until relieved \* \* \* take \* \* \* until the menstrual flow commences again."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the special strength pills contained quinine, aloes, iron sulphate, senecio flowers and herb, ginger, and cornstarch; and that the single strength pills contained quinine, aloes, iron sulphate, hydrastis, ginger, and cornstarch.

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements regarding the curative and therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On July 11, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10499. Adulteration of salmon. U. S. \* \* \* v. 430 Cases of Salmon \* \* \*. Tried to the court. Verdict favorable to the Government. Product destroyed. (F. & D. No. 12998. I. S. No. 233-r. S. No. E-2331.)**

On July 2, 1920, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 430 cases of salmon, remaining in the original unbroken packages at Charleston, S. C., alleging that the article had been shipped by the Eufaula Grocery Co., Eufaula, Ala., on or about January 10, 1920, and transported from the State of Alabama into the State of South Carolina, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Prelate Brand Salmon Net Contents 15½ Oz. Alaska Pink Salmon Packed In Alaska By The Fidalgo Island Packing Co. Of Anacortes, Washington \* \* \*."

Adulteration of the article was alleged in substance in the libel for the reason that it was a product which consisted partly or wholly of a filthy, decomposed, and putrid animal substance.

On March 3, 1922, the Fidalgo Island Packing Co. having entered an appearance as claimant for the property and having denied the material allegations of the libel, the case came on for trial before the court without a jury. After the submission of evidence and arguments by counsel the court entered a verdict favorable to the Government, in part as follows (Henry A. M. Smith, *J.*) :

"It appears from the testimony that these 430 cases of salmon consisted of salmon packed apparently prior to the year 1918. It was originally purchased by the United States Government for army use and stored in a warehouse in the city of Brooklyn and after the signing of the armistice was either sold or turned back to the packers and thereupon passed into commercial shipment. This especial shipment was shipped to Eufaula, Ala. There some question appears to have been made about its condition by the Government, and it was shipped back to the city of Charleston, where, when seized, it was stored apparently under some understanding that it was to be reconditioned. At any rate, it was shipped from Eufaula to the city of Charleston.

"According to the testimony for the Government, upon examination of the samples taken from this shipment or lot, after careful examination, twelve per cent (12%) of the cans examined were found to be bad, and of the remainder twenty-five or thirty per cent (25% or 30%) were found, in the opinion of those examiners, to be stale and questionable. According to the testimony of the claimant, they had a commercial test in the shape of an examination of this lot of salmon in the city of Charleston by three salmon brokers, who found it practically (so far as the number of cans examined by them were concerned) to be in sound and good condition.

"In many respects, the examination of the brokers is upon the same method of procedure as the examination by the experts, the principal test being that of smell. The brokers in this case, however, do not any of them assume, so far as chemical or bacteriological matters are concerned, to be experts in making this examination.

"Under the order of this court, upon the application of counsel for the claimant, an order was made that samples were to be selected from the cases of not less than one from every forty-three (43) cases, or ten (10) cans in all, to be examined by a chemical expert to be agreed upon in behalf of the Government and the claimant, who should report the result of the examination to the court. This has been done and the ten cans delivered to Parker Laboratory and the report of the laboratory upon the examination is that the ten cans submitted to that laboratory were in good condition and showed no indication of bulging, corrosion, or pitting; that there were no imperfections in the sealing of the cans; that when opened there was no indication of escaping gas or unpleasant odor; that the contents were firm, of good taste and odor, and in good condition; that there was no indication of any substance being mixed or packed to reduce or lower or seriously affect the quality or strength of the contents; nor was there any evidence that the ten cans examined contained any added poisonous or other deleterious ingredient which might render the article injurious to health; that the contents of the cans were examined microscopically and bacteriologically and found to contain no bacteria nor molds which would tend to bring about decomposition nor organisms resulting from decomposition; that the contents of the cans were sterile, showing that the fish was properly packed and sealed and that there was no decomposition; that the contents of the ten cans were well packed, of sound quality, and free from adulteration and contamination.

"Upon considering the whole testimony, it appears that the number of cans examined from the whole lot on behalf of the United States Department of Agriculture, under the Food and Drugs Act, exceeded very substantially the proportion of cans examined otherwise—and it also would appear from the testimony that the examination given on behalf of the department was of a more extended and careful character than that given otherwise. Although it would appear that there is in this entire shipment a very large proportion of cans which from the testimony would appear to be entirely free from any objection on the ground of decomposition or unfit for human food, yet, taking the testimony as a whole it appears to the court and is found as a conclusion of fact that there is an excessive percentage of the shipment which does fall and properly falls under that exception. Although the greater proportion of it may be good, yet in view of the chance of disaster that may result from

human use under the risks of such percentage, it would not seem safe to allow it to be dealt in, as an article of human food. It is no doubt correct that in most cases the very odor, upon opening the can, would bring home to the knowledge of any consumer or would-be consumer, the knowledge that the contents of the can were not fit for human use. That, however, depends in a large measure upon the intelligence of the consumer and upon the susceptibility of his organs of smell; and the casualties that might result in case the consumer fails to be properly advised of the danger of its consumption are such, in the opinion of the court, which would not render it proper to be allowed to be used for human consumption.

"It is therefore ordered, adjudged, and decreed,

"That this lot of cases of salmon so seized does consist in part of a filthy, decomposed, or putrid animal substance to such a percentage in excess of reasonable and salutary requirements as to constitute the shipment misbranded [adulterated] within the prohibition of the Act of Congress. \* \* \*"

The decree further provided that the product might be released to the said claimant upon the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that no part of the product be exposed for sale for use as food except after such treatment as should be satisfactory to this department, and that upon failure to file such bond the product be destroyed by the United States marshal. The product was subsequently destroyed.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10500. Adulteration and misbranding of cottonseed meal. U. S. \* \* \* v. 400 Sacks and 400 Sacks of \* \* \* Cottonseed Meal. Consent decrees approving sale of product for fertilizer purposes.** (F. & D. Nos. 15897, 15915. I. S. Nos. 9357-t, 9360-t. S. Nos. E-3752, E-3730.)

On or about January 6 and 16, 1922, respectively, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 800 sacks of alleged cottonseed meal, remaining unsold in the original unbroken packages at Jacksonville, Fla., consigned by the Central Oil Co., Macon, Ga., alleging that the article had been shipped on or about December 9 and 29, 1921, respectively, and transported from the State of Georgia into the State of Florida, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "100 Lbs. Cotton Seed Meal Manufactured by Central Oil Company, Macon, Georgia \* \* \*."

Adulteration of the article was alleged in the libels for the reason that a substance deficient in ammonia, or protein, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and had been substituted wholly or in part for the said article and for the further reason that the article had been mixed and packed in a manner whereby inferiority was concealed.

Misbranding was alleged in substance for the reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, and for the further reason that the statements on the tags attached to the sacks containing the said article, "Nitrogen 5.76 per cent" and "Ammonia, not less than 7.00 per cent." regarding the article and the ingredients and substances contained therein, were false and misleading and deceived and misled the purchaser, since the said article contained considerably less than 5.76 per cent of nitrogen and 7.00 per cent of ammonia.

On January 13 and 19, 1922, the Central Oil Co., Macon, Ga., having sold the property for fertilizer purposes subject to the entry of decrees authorizing such sale, judgment by consent was entered approving the said sale and ordering that the proceedings be dismissed, that the product be released for the purposes of such sale, and that the claimant pay the costs of the proceedings.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*





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## United States Department of Agriculture.

### SERVICE AND REGULATORY ANNOUNCEMENTS.

#### BUREAU OF CHEMISTRY.

#### SUPPLEMENT.

N. J. 10501-10550.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., October 7, 1922.]

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

**10501. Adulteration of oranges. U. S. \* \* \* v. 396 Boxes \* \* \* of Oranges, et al. Consent decrees of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 15821, 15822, 15832. I. S. Nos. 18622-t, 18619-t, 18623-t. S. Nos. C-3474, C-3465, C-3477.)

On March 14, 17, and 20, 1922, respectively, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 1,254 boxes of oranges, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped in part by the American Fruit Growers, Inc., from Redlands, Calif., February 7, 1922, in part by the Citrus Growers Cash Assoc., from Pachappa, Calif., March 4, 1922, and in part by the Fay Fruit Co., from Riverside, Calif., March 10, 1922, and had been transported from the State of California into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. The article was labeled, variously, "Aurora American Fruit Growers, Inc.," "Wash. Navels All Star," "El Toro," and "Paramount."

Adulteration of the article was alleged in the libels for the reason that it consisted in part of a decomposed vegetable substance.

On March 14, 22, and 27, 1922, respectively, the American Fruit Growers, Inc., of Illinois, the Fry Brokerage Co., Chicago, Ill., and H. D. Boehmer, Chicago, Ill., having entered appearances as claimants, respectively, for the property, and said claimants having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the respective claimants upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$3,000, in conformity with section 10 of the act, conditioned in part that the product be sorted under the supervision of this department, the bad portion destroyed by the United States marshal, and the portion fit for human food delivered to the said claimants.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10502. Adulteration of oranges. U. S. \* \* \* v. 33 Dozen Boxes of Decomposed Oranges. Consent decree providing for the release of the good portion under bond and the destruction of the remainder.** (F. & D. No. 15764. I. S. Nos. 11188-t, 11189-t. S. No. W-1053.)

On March 13, 1922, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation

of 33 dozen boxes of oranges, remaining in the original unbroken boxes at Portland, Oreg., alleging that the article had been shipped by the Randolph Marketing Co., from San Dimas, Calif., February 27, 1922, and transported from the State of California into the State of Oregon, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Blue Star Brand Oranges, Randolph Marketing Co., California Golden Quality, California."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted wholly or in part of a decomposed vegetable substance.

On April 4, 1922, the Randolph Marketing Co. having entered an appearance as claimant for the property and having filed a good and sufficient bond, in conformity with section 10 of the act, and the product having been sorted under the supervision of this department in accordance with a stipulation and decree theretofore filed, by consent of the claimant it was ordered by the court that the 109 boxes of the product which had been passed by this department as good and sound be released to the said claimant, that the balance thereof be condemned and destroyed, and that the bond be released and exonerated.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10503. Adulteration of middlings. U. S. \* \* \* v. 400 Sacks of Middlings. Judgment by consent providing for release of product under bond. (F. & D. No. 15604. I. S. No. 9328-t. S. No. E-3645.)**

On November 10, 1921, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 400 sacks of middlings, remaining in the original unbroken packages at Franklinton, N. C., consigned by the Mayo Milling Co., Richmond, Va., alleging that the article had been shipped from Richmond, Va., on or about September 23, 1921, and transported from the State of Virginia into the State of North Carolina, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "\* \* \* Mayo's Bull Middlings \* \* \* Mayo Milling Co., Inc., Distributors, Richmond, Va."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On April 12, 1922, the Mayo Milling Co., Richmond, Va., claimant, having executed a bond in the sum of \$1,000 and having paid the costs of the proceedings, in conformity with section 10 of the act, judgment by consent was entered ordering the release of the product to the said claimant.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10504. Adulteration and misbranding of olive oil. U. S. \* \* \* v. 20 Half-Gallon Cans of \* \* \* Olive Oil. Default decree of condemnation and forfeiture. Product delivered to the Salvation Army. (F. & D. No. 14118. I. S. No. 6263-t. S. No. E-3014.)**

On December 27, 1920, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 20 half-gallon cans of a product purporting to be olive oil, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped from Providence, R. I., on or about November 30, 1920, and transported from the State of Rhode Island into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel for the reason that an oil other than olive oil had been mixed and packed with and substituted in part for the said article, and for the further reason that the article had been mixed in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the statements on the labels on the cans containing the article, regarding the article and the ingredients and substances contained in the said cans, to wit, "Prodotti Italiani Olio di Oliva Pure Olive Oil Sopraffino Italia Brand Trade Mark Luca Toscana Italia Net Contents  $\frac{1}{2}$  Gall.," were false and misleading and deceived and misled the purchaser by representing that the product was an Italian olive oil when it was not. Misbranding was alleged in substance for the further reason that the article was [food] in package form, and the quantity of the contents was not plainly

and conspicuously marked on the outside thereof, since the quantity marked on the outside of said packages was not correct.

On October 4, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the Salvation Army for consumption and not for sale.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10505. Adulteration of scallops. U. S. \* \* \* v. John M. Lewis, Benny P. Way, and Brady C. Way (trading as The John M. Lewis Fish House, or Way Bros. Co.).** Fine of \$10 and costs imposed in each case upon pleas of guilty. (F. & D. Nos. 14046, 15263. I. S. Nos. 208-r, 6637-t, 7538-t.)

On April 29 and November 1, 1921, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district informations against John M. Lewis, Benny P. Way, and Brady C. Way, copartners, trading as the John M. Lewis Fish House or under the firm name and style of the Way Bros. Co., as the case might be. Beaufort, N. C., alleging shipment by said defendants, in violation of the Food and Drugs Act, in one of the informations, on or about March 11, 1920, from the State of North Carolina into the State of Massachusetts, and in the other information, on or about March 21 and 26, 1921, from the State of North Carolina into the State of New York, of quantities of an article of food, to wit, scallops, which was adulterated.

Analyses of samples of the article by the Bureau of Chemistry of this department showed the presence of added water.

Adulteration of the article was alleged in each information for the reason that a substance, to wit, added water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for scallops, which the article purported to be, and for the further reason that a valuable constituent of the article, to wit, scallop solids, had been in part abstracted.

On January 17 and April 25, 1922, respectively, pleas of guilty to the informations were entered on behalf of the defendants, and on the first-named date and on April 30, 1922, the court imposed a fine of \$10 and costs in each case.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10506. Adulteration and misbranding of canned kidney beans. U. S. \* \* \* v. 25 Cases \* \* \* of Red Kidney Beans \* \* \*. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 12509. I. S. No. 10751-r. S. No. C-1834.)

On March 12, 1920, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 cases of red kidney beans, at Burlington, Iowa, alleging that the article had been shipped by the George Van Camp & Sons Co., Westfield, Ind., on or about November 5, 1919, and transported from the State of Indiana into the State of Iowa, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "George Van Camp's Red Kidney Beans. Contents 10 Oz. Packed by George Van Camp & Sons Company, Westfield, Indiana."

Adulteration of the article was alleged in the libel for the reason that long cranberry beans had been mixed or packed with, or substituted wholly or in part for, red kidney beans.

Misbranding was alleged in substance for the reason that the statement "Red Kidney Beans" was false and misleading and deceived and misled the purchaser when applied to long cranberry beans. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article.

On April 27, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal, with the proviso, however, that if the George Van Camp & Sons Co., the apparent owner of the property, should pay the costs of the proceedings and execute a bond in the sum of \$200, in conformity with section 10 of the act, said bond being conditioned that the said product be relabeled so as to show truthfully and ac-



curately the nature thereof, the said product should be delivered to the said George Van Camp & Sons Co. Subsequently the George Van Camp & Sons Co. filed their bond, and the product was released as provided in the decree.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10507. Adulteration and misbranding of cocoa. U. S. \* \* \* v. 56 Boxes and 203 Boxes of \* \* \* My Own Pure Cocoa. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 10916. I. S. Nos. 6537-r, 6538-r, 6539-r, 6540-r. S. No. C-1398.)**

On August 8, 1919, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 56 boxes and 203 boxes of "My Own Pure Cocoa," remaining unsold in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the National Cocoa Mills, New York, N. Y., on or about March 15, 1919, and transported from the State of New York into the State of Louisiana, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "My Own Pure Cocoa The Cocoa contained in this package is Positively High Grade \* \* \* It is a breakfast cocoa of Superior Quality and Excellence and similar to the highest grades of cocoa which have been awarded First Prize Gold Medals \* \* \* Absolutely Pure \* \* \*"; (inconspicuously rubber-stamped on side of package) "'My Own' Cocoa Compound Containing Corn Starch, Cocoa, Sugar. Net Weight  $\frac{1}{2}$  Lb." (or " $\frac{1}{2}$  Lb.").

Adulteration of the article was alleged in substance in the libel for the reason that substances, to wit, sugar and starch, had been substituted wholly or in part for the said article and had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength. Adulteration was alleged for the further reason that the article had been mixed in a manner whereby its inferiority to genuine cocoa was concealed.

Misbranding was alleged in substance for the reason that the packages containing the article bore the following statement, "My Own Pure Cocoa The Cocoa contained in this package is Positively High Grade \* \* \* Absolutely Pure," which statement was not sufficiently corrected by the statement, inconspicuously stamped on the said package, "'My Own' Cocoa Compound Containing Corn Starch, Cocoa, Sugar," and was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article; and for the further reason that it was food in package form, and the contents were not plainly and conspicuously marked on the outside of the packages.

On December 12, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10508. Adulteration of tomato pulp. U. S. \* \* \* v. 200 Cases \* \* \* of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8571. S. No. E-899.)**

On October 18, 1917, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 200 cases of tomato pulp, remaining unsold in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped by the Booth Packing Co., Locust Point, Md., and transported from the State of Maryland into the State of New York, and was received in Brooklyn on or about October 5, 1917, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Diamond Brand Tomato Pulp \* \* \* D. D. Mallory & Co., \* \* \* Baltimore, Md., Distributors \* \* \*".

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On March 2, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the said product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10509. Adulteration and misbranding of olive oil. U. S. \* \* \* v. 51 Cans of Lucca Brand Olive Oil. Default decree of condemnation, forfeiture, and destruction or sale. (F. & D. No. 651-c.)**

On or about May 6, 1921, the United States attorney for the Northern District of Ohio, acting upon a report by the Commissioner of Health of the City of Cleveland, Ohio, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 51 cans of Lucca Brand olive oil, at Cleveland, Ohio, alleging that the article had been shipped by the Western States Trading Co., Chicago, Ill., on or about February 1, 1921, and transported from the State of Illinois into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Lucca Brand Olive Oil. Pure Olive Oil."

Adulteration of the article was alleged in the libel for the reason that a substance, cottonseed oil, had been substituted wholly or in part for the said article, thereby lowering its quality, strength, and value.

Misbranding was alleged for the reason that the article was an imitation of, and offered for sale under the distinctive name of, another article, to wit, olive oil.

On May 10, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold if fit for human consumption and if not fit for human consumption that it be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10510. Misbranding of semola. U. S. \* \* \* v. 191 Boxes of \* \* \* Semola. Decree ordering release of product under bond. (F. & D. No. 652-c.)**

On March 16, 1922, the United States attorney for the District of Maine, acting upon a report by an official of the Department of Agriculture of the State of Maine, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 191 boxes of semola, remaining unsold in the original unbroken packages at Portland, Me., alleging that the article had been shipped from Milwaukee, Wis., on or about January 12, 1922, and transported from the State of Wisconsin into the State of Maine, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "D'Annunzio Brand Finest Quality Prodotto Di Pura Semola Busalacchi Bros. Macaroni Co., Milwaukee, Wis."

Misbranding of the article was alleged in substance in the libel for the reason that it was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the said package in terms of weight, measure, or numerical count.

On March 20, 1922, the Ferguson-Bedell Co., agent for the Basulacchi Bros. Macaroni Co., Milwaukee, Wis., having entered an appearance as claimant for the property, judgment of the court was entered ordering that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$600, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10511. Adulteration and misbranding of canned red kidney beans. U. S. \* \* \* v. 25 Cases and 25 Cases of [So-Called] Red Kidney Beans. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. Nos. 12200, 12201. I. S. Nos. 8118-r, 8121-r. S. Nos. C-1775, C-1781.)**

On February 21, 1920, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 25 cases and 25 cases of so-called red kidney beans, remaining unsold in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped on or about January 15 and 19, 1920, respectively, by the Marshall Canning Co., Marshalltown, Iowa, and transported from the State of Iowa into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Uncle William Brand Red Kidney Beans \* \* \* Packed by Marshall Canning Co., Marshalltown, Iowa."

Adulteration of the article was alleged in the libels for the reason that long cranberry beans had been mixed and packed with, and substituted wholly or in part for, red kidney beans.



Misbranding was alleged for the reason that the label on the article, "Red Kidney Beans," was false and misleading and deceived and misled the purchaser when applied to a product consisting of long cranberry beans; and for the further reason that the article was an imitation of, and sold under the distinctive name of, another article, to wit, red kidney beans.

On July 8, 1921, the matter having come on to be heard on the pleadings and stipulation of the Marshall Canning Co., Marshalltown, Iowa, claimant, the court found the product to be adulterated and misbranded and ordered its condemnation as such. It was further ordered by the court that the product might be released to said claimant upon payment of the costs of the proceedings and the execution of bond amounting in the aggregate to \$200, in conformity with section 10 of the act, conditioned in part that the product be correctly relabeled.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10512. Misbranding and alleged adulteration of salmon. U. S. \* \* \* v. 80 Cases and 1,379 Cases Canned Salmon \* \* \*. Tried to the court. Finding for claimant on charge of adulteration and for government on charge of misbranding. Product under charge of misbranding released to claimant under bond for relabeling; balance of product released unconditionally. (F. & D. Nos. 13822, 13854. I. S. Nos. 10138-t, 10132-t, 10136-t. S. Nos. W-784, W-788.)**

On or about October 27 and November 10, 1920, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 80 cases of canned salmon, labeled in part "Medium Red Salmon \* \* \* Lionax Brand Cohoe Sockeye Salmon," and 1,379 cases of canned salmon labeled in part "Northern Brand Pink Alaska Salmon Packed by Northern Packing Co., Juneau, Alaska," remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Northern Packing Co., Juneau, Alaska, August 27, 1920, and transported from the Territory of Alaska into the State of Washington, and charging adulteration with respect to both consignments and misbranding with respect to the 80-case consignment of Lionax Brand salmon.

Adulteration of the article was alleged in the libels for the reason that it consisted wholly or in part of [a] filthy, decomposed, and putrid animal substance.

Misbranding of the Lionax Brand consignment was alleged for the reason that the word "sockeye," appearing only partly obliterated on a portion of the label of the article, was false and misleading and deceived and misled the purchaser by representing the article as sockeye salmon, when it was not.

On April 12, 1921, the cases which were consolidated for trial came on for hearing before the court, and after the submission of evidence and arguments by counsel, the 80-case consignment of Lionax Brand salmon was found to be misbranded, and it was found by the court that the Government's charges of adulteration with respect to all of the salmon had not been established, as will more fully appear from the following decision of the court (Cushman, D. J.):

I have too many matters under advisement now, and I am not going to take this matter under advisement.

So far as the misbranding is concerned, I hold with the government. I think, according to the decisions which you read, that it is not whether the brand is going to deceive the jobbers and wholesalers and retailers and people who trade in these things, but whether it is liable to deceive the consuming public. I am very much like Miss Kolmitz—I never heard of the word "Cohoe" until this case began, and if I saw it on a can of salmon I was about to buy, I would not know whether it referred to canner or the fish or what it referred to. I have lived here almost thirty years and eaten canned salmon most of the time, so why I presume I am an average specimen of the public. I take it everyone in this country is familiar with the word "sockeye," and finding it on a can of salmon not completely obliterated, but with this fancy stamp on there, more or less ornamental, would tend to deceive. I think a purchaser going into a retail store to buy a can of salmon would reasonably conclude that that was intended to be a part of the label and might very easily be misled. The decree that is appropriate for forfeiture in that case will be prepared and submitted to the court.

As regards the other lot of salmon, and so far as the 80 cases are concerned also, the court is inclined to agree with Judge Sessions, that this act certainly



does require definition. Where the Government asks for forfeiture,—where the rule of strict construction obtains, the law should be brief and as clear as it is possible to make it.

Now, that word "article"—Judge Sessions found some trouble in construing "consists of" or "consists"—that word "article," I find fully as much trouble with it as Judge Sessions did the other. Now, salmon is an article of food, but because some cans of salmon are found to be putrid, does not warrant the entire salmon output being condemned. A can of salmon is an article, but is the output of one cannery for a season an article, or is a shipload of salmon an article, or half of the output of a cannery an article? I can't agree with any such construction. It would be reasonable to conclude, in the light or the purview of this act,—possibly you could construe the output of a cannery to be an article if the evidence showed that all of the output of the cannery was subjected to those conditions that rendered the part that you found to be putrid or filthy, but it seems like instead of this being in part putrid or filthy that a part of it is [not] putrid or filthy. If a very small percentage of the contents of each can was filthy, even a very, very small portion of it, that would condemn the whole lot, but because part of the cans are found to be filthy and putrid, I am unable to conclude that the court would be warranted in condemning the entire lot of these cases of salmon. Now, if Congress does intend that the courts should give that construction to this law, a definition would clear the matter up.

Now, I find that instead of the entire output of this cannery having been subjected to conditions that caused this putrescence,—this filth in certain of the cans,—it is more reasonable to conclude that these old salmon that got into this pack were the salmon, as pointed out by the prosecutor, that they picked up locally when they were short of fish to complete the day's output or whatever reason there was, without knowing their age, and not those that Mr. Hanson went out to the fishing grounds and got from the purse seiners. That being true, why, the output of the cannery for those days on which they purchased these old fish would contain putrid fish. If you are going to construe "article" as limited to the condition that created the putrescence, why, then you are going to limit it to those days and the output on those days when they did buy such fish, and not the whole season's pack. If the department wants to make rules that these salmon cannery shall can and keep their cans separate, and put one day's pack up separate from another, and not mix up the cans of the separate days' pack and thereby render,—put themselves in the position to test and sample cases canned on a particular day when they might bring in a scowload of old fish, why, the public would be protected, and the commercial end of it would not be jeopardized by incurring the destruction of a large amount of fish that might have been canned on days when they were getting perfectly fresh fish. I can see very easily how one scowload of fish, if it was canned and thrown into a shipload and brought in from Behring Sea and samples were taken from that one scowload all canned on one day, would show up a percentage high enough to condemn the whole shipload if we are going to adopt that rule and enforce it that the Government seems to ask in this case.

MISS KOLMITZ. Your Honor, may I interrupt?

THE COURT. No.

Now, this statute does not give the court any warrant or does not give the department, so far as I see, any warrant to fix a proper percentage of filth. It says "in part." One decision you read said that meant substantial part, and if it was where human excrement entered into oysters that I take it must have been taken up from the mouth of a sewer some place, so small a percentage as could only be detected by a microscope, I believe, would be a very substantial portion. But I don't find any warrant under a forfeiture—how would anyone instruct a jury where your articles, like cans of salmon, are separate? They are separate articles; the cases are separate.

So far as health and comfort are concerned—that part of the law regarding misbranding is to prevent fraud being committed upon the consuming public—but the other part, keeping filth and putrescence out of it,—that was not to prevent a fraud; that was to protect the public in the matter of its comfort if not health; and the more rotten the salmon was, the less liable you would be or the more liable you would be to be disgusted by it as a food, because you would be warned in the kitchen before you ever got it to the table; but a very small bit, the smaller the portion of putrescence, the more likely you would be to get it on your table.

I would think that also in sampling there might have been something satisfactory worked out here, and possibly something could be worked out yet, if I am right in my conclusion that the putrid salmon found in fact was caused by these old fish that were bought occasionally. It is only reasonable to presume that in those cans there would be a greater percentage of putrid fish; that is, in handling them, it would only be natural that they would find their way into particular cases scattered through the entire pack. It would seem to me in careful sampling, not only the cans should be marked, but the cases in which they were taken, and where a putrid can was found, there should be some further test made of that case, if I am right in my assumption that the cans that are canned on a particular day are liable to find themselves,—liable to be put up in,—limited to the cases in which they appear and are not scattered through the entire pack.

The court finds not only on the law, but the facts as well, that there has not been sufficient evidence here to convince the court to that degree that is required in forfeiture cases to warrant a decree for the Government, both as to the 1,379 cases and the 80-case lot.

Mr. RYAN. What is that?

The COURT. I find against the Government in both cases on the law and the facts insofar as the charge is that these were adulterated.

Miss KOLMITZ. The Government desires to except to the court's instruction that the Government should make regulations that each batch be labeled. The law is now that the claimant may separate the good from the bad.

The COURT. What is that you are excepting to?

Miss KOLMITZ. That the Government make regulations that the batches be labeled,—each day's canning.

The COURT. That is only a suggestion. Of course, it would be a burden put on the salmon canners, but it would be one way to keep these things separate and not condemn a whole lot.

Miss KOLMITZ. The law now allows the claimant to separate the good from the bad. And the Government excepts to the court's definition of an article of food—

The COURT. Exception allowed.

Miss KOLMITZ. And the Government excepts to every ruling of the court upon the question of adulteration.

On March 23, 1922, the Government having lost its right to have the decision of the trial court reviewed in the Circuit Court of Appeals, no appeal having been taken from said decision within the time allowed by law for giving notice of appeal, and the time for such appeal having elapsed, it was ordered by the court that the 1,379 cases of canned salmon be delivered to the Northern Packing Co., claimant, unconditionally, and that the 80 cases might be released to said claimant upon the giving of bond by said claimant in conformity with section 10 of the act, in the sum of \$1,000, conditioned in part that the product be relabeled under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10513. Adulteration and misbranding of canned tomatoes. U. S. \* \* \* v. 54 Cases of Canned \* \* \* Tomatoes. Default decree ordering destruction of the product.** (F. & D. No. 14438. I. S. No. 8461-t. S. No. E-3118.)

On February 11, 1921, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 54 cases of canned tomatoes, remaining in the original unbroken packages at Orange, Va., alleging that the article had been shipped by W. E. Robinson & Co., Baltimore, Md., on or about May 17, 1920, and transported from the State of Maryland into the State of Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Plum Point Brand Tomatoes \* \* \* Plum Point Canning Co., Plum Point, Md."

Adulteration of the article was alleged in the libel for the reason that a certain substance, to wit, tomato pulp, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article was mixed in a manner whereby damage and inferiority were concealed.



Misbranding was alleged in substance for the reason that the cans containing the article bore a certain statement and a design or device regarding the article and the ingredients and substances contained therein, to wit, "Plum Point Brand Tomatoes" (design showing red, ripe tomato) "Contents 2 Lbs.," which were false and misleading and deceived and misled the purchaser into believing that the article consisted wholly and entirely of tomatoes, and that no other substance such as tomato pulp had been mixed therewith. Misbranding was alleged in substance for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, and for the further reason that the article was food in package form, and the quantity of the contents thereof was not plainly, conspicuously, and correctly marked on the outside of the said packages.

On October 12, 1921, no claimant having appeared for the property, judgment of the court was entered ordering that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10514. Adulteration and misbranding of apple cider, cider vinegar, distilled vinegar, and distilled white vinegar. U. S. \* \* \* v. Cornelius William Davis (C. W. Davis & Son). Collateral of \$150 forfeited. (F. & D. No. 15000. I. S. Nos. 8652-t, 8674-t, 8675-t, 8676-t, 8677-t, 8682-t, 8683-t, 8685-t, 16790-r, 16791-r.)**

On January 18, 1922, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against Cornelius William Davis, trading as C. W. Davis & Son, Washington, D. C., alleging that between the dates of April 26 and November 17, 1920, the said company did offer for sale and sell at the District of Columbia, in violation of the Food and Drugs Act, as amended, certain quantities of apple cider, cider vinegar, and distilled vinegar which were adulterated and misbranded. The articles were labeled in part, respectively: "Contents 32 Ozs. Pure Apple Cider \* \* \* C. W. Davis & Son, \* \* \* Washington, D. C."; "Pure Cider Vinegar \* \* \* 16 Oz."; "Analoetan Brand Distilled Spirit Vinegar Colored \* \* \*"; "Analoetan Brand High Grade Distilled White Vinegar \* \* \*."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed the presence of added water. Examination of the articles by the said bureau showed a portion of the apple cider and all the so-called "Pure Cider Vinegar" to be short in volume.

Adulteration of the articles was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for pure apple cider, pure cider vinegar, vinegar, or high grade distilled white vinegar, which the said articles purported to be.

Misbranding of the articles was alleged in substance for the reason that the statements, to wit, "Pure Apple Cider," "Contents 32 Ozs.," "Pure Cider Vinegar Made From The Juice of Fresh Apples 16 Oz.," "Distilled Spirit Vinegar," "High Grade Distilled White Vinegar," borne on the labels attached to the bottles containing the respective articles, regarding the said articles and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the articles consisted wholly of pure apple cider, pure cider vinegar, distilled spirit vinegar, or distilled white vinegar, as the case might be, that a portion of the bottles containing the said apple cider contained 32 fluid ounces thereof and that each of the bottles containing the said cider vinegar contained 16 fluid ounces thereof, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they consisted wholly of pure apple cider, pure cider vinegar, distilled spirit vinegar, or distilled white vinegar, as the case might be, that a portion of the bottles containing the said apple cider contained 32 fluid ounces thereof and that each of the bottles containing the said cider vinegar contained 16 fluid ounces thereof, whereas, in truth and in fact, the said articles did not consist wholly of pure apple cider, pure cider vinegar, distilled spirit vinegar, or distilled white vinegar, as the case might be, but did consist in part of added water, a portion of the bottles containing the said apple cider contained less than 32 fluid ounces thereof, and the bottles containing the said cider vinegar contained less than 16 fluid ounces thereof. Misbranding was alleged for the further reason that the articles were products composed



in part of added water prepared in imitation of pure apple cider, pure cider vinegar, distilled spirit vinegar, or distilled white vinegar, as the case might be, and were offered for sale and sold under the distinctive names of other articles, to wit, pure apple cider, pure cider vinegar, distilled spirit vinegar, or distilled white vinegar. Misbranding was alleged for the further reason that the articles were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the respective packages.

On January 18, 1922, the defendant having failed to enter an appearance, the \$150 collateral which had been deposited by him to insure his appearance was declared forfeited by the court.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10515. Misbranding of Lung Germine. U. S. \* \* \* v. 23 Bottles, 24 Bottles, and 33 Bottles of Lung Germine. Default decrees ordering destruction of the product. (E. & D. Nos. 15226, 15227, 15228. Inv. Nos. 32818, 32819, 32820. S. No. E-3477.)**

On or about July 22, 1921, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 23 bottles, 24 bottles, and 33 bottles of Lung Germine, remaining in the original unbroken bottles at Richmond, Va., alleging that the article had been shipped by the Lung Germine Co., Jackson, Mich., on or about March 7 and 23 and May 16, 1921, respectively, and transported from the State of Michigan into the State of Virginia, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of sulphuric acid and water with small amounts of iron sulphate, alcohol, and aromatics.

Misbranding of the article was alleged in substance in the libels for the reason that the carton and bottle containing the said article and the accompanying booklet bore the following statements regarding the curative and therapeutic effect of the said article, (bottle) " \* \* \* Treatment For Relief Of Defective Nutrition and for Increasing Strength and General Health where Mucous Membranes are Susceptible to Lung Disease and Pulmonary Disorganization with Bronchial Irritation. (In Pre-tubercular Stages) \* \* \* Use no other lung medicine while using Lung Germine. Read carefully the circular accompanying this bottle \* \* \*," (carton) " \* \* \* Your Lungs Are They Weak Or Painful? Do your lungs ever bleed? Do you have night sweats? Are you short of breath? Have you pains in chest and sides? Do you spit yellow and black matter? Do you have pains under your shoulder blades? These Are Regarded Symptoms of Lung Trouble Do Not Neglect These Symptoms. Keep Lung Germine in your home ready for immediate use at the first sign of Membraneous Lung Disease or Bronchial Irritation. \* \* \* Treatment For Relief Of Defective Nutrition and for Increasing Strength and General Health where Mucous Membranes are Susceptible to Lung Diseases and Pulmonary Disorganization with Bronchial Irritation (In Pre-tubercular Stages). \* \* \*," (booklet, "Your Lungs," in English) " \* \* \* What You Want To Know About Lung Germine. As a sufferer from mucous membrane affections of the lungs and bronchial irritation, readily susceptible to the primary or pre-tubercular stage of pulmonary consumption, you are deeply interested in learning all that you can about any medicine or treatment for relieving these distressing afflictions. In the following paragraphs will be found a brief description of what Lung Germine is, what it has done for others, how it is used, and what you may reasonably hope it may do for you. In recommending Lung Germine to the world of sufferers from incipient mucous membrane affection of the lungs, and bronchial irritation, we do so with the fullest confidence. \* \* \* The remarkable results it has accomplished \* \* \* excessive coughs for months \* \* \* splendid results \* \* \* weak membranes of the lungs and \* \* \* nearly always suffering from a severe cough and weakness, \* \* \* Lung Germine relieved the trouble. \* \* \* before taking Lung Germine their lungs had been \* \* \* affected, and that after using Lung Germine \* \* \* their lungs were \* \* \* found to be relieved. \* \* \* recommended for lung and bronchial troubles, \* \* \* We recommend Lung Germine for alleviating the cough, increasing the strength and general health in such conditions of cellular hyperplasia, affecting the mucous mem-

branes of the air passages with the consequent risk of a multiplication of cells, filling up a greater or less number of the air vesicles of the lungs; generally those of the apex, and then, consumption, or malignant attacks of the lungs and bronchial tract results. \* \* \* It is, therefore, of vital importance that sufferers take the treatment Lung Germine, which has a decided influence upon the general condition of the system, alleviating the cough and night sweats, aiding expectoration, increasing the strength and general health of the sufferer, and often retarding, if not arresting, the pulmonary disorganization. Lung Germine contains \* \* \* only such ingredients as are of recognized therapeutic value for the treatment of the conditions as outlined. One of the ingredients \* \* \* is recognized \* \* \* as a nutrient of inestimable influence during phthisis. \* \* \* it does more good than all other remedies of the Pharmacopœia (Standard authority for medicines) combined. \* \* \* Lung Germine has been proven beyond question to possess a remarkable beneficial influence; it has produced splendid results \* \* \* relieving defective nutrition, with its consequent pallor, anemia, night sweats, excessive coughing and expectoration of germ-laden mucus from the affected parts \* \* \* the coughing will become less and less and a general improvement may be confidently expected. \* \* \* the long record of extraordinary instances of relief which Lung Germine has produced should encourage every sufferer from incipient membranous lung disease \* \* \* No such sufferer should feel in the least discouraged about his or her condition, if Lung Germine has yet to be tried. \* \* \* If you are suffering from lung \* \* \* trouble that has not passed the incipient stage \* \* \* you are using the best medicine known for such afflictions when you use Lung Germine. \* \* \* consumption \* \* \* What To Do For Hemorrhage \* \* \* bleeding from the lung \* \* \* What To Do For Persistent Night Sweats Night sweats are a commonly recognized symptom of tuberculosis \* \* \* Consumption \* \* \* tuberculosis \* \* \* tubercle bacilli \* \* \* germs of tuberculosis \* \* \*," (other languages) "Lung Germine for chronic lung \* \* \* afflictions \* \* \* Lung Germine for chronic lung or bronchial diseases \* \* \*," which statements were false and fraudulent in that the said article did not contain any ingredient or combination of ingredients capable of producing the effect claimed.

On October 12, 1921, no claimant having appeared for the property, judgments of the court were entered ordering the destruction of the product by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10516. Adulteration and misbranding of oil.** U. S. \* \* \* v. 200 One Gallon Cans, 100 One-Half Gallon Cans, and 24 One-Quarter Gallon Cans of \* \* \* La Provence Brand Oil, 6 One Gallon Cans of \* \* \* Caproni Brand Oil, et al. Consent decrees of condemnation and forfeiture entered with respect to the La Provence Brand oil and a portion of the Caproni Brand oil and said products released under bond. Default decrees of condemnation and forfeiture entered with respect to the remainder and products delivered to the Salvation Army for consumption. (F. & D. Nos. 15231, 15232, 15233, 15235, 15236, 15244, 15245, 15246, 15283, 15355. S. Nos. E-3470, E-3473, E-3474, E-3475, E-3467, E-3479, E-3483, E-3484, E-3495, E-3566. I. S. Nos. 6236-t, 6238-t, 6239-t, 6240-t, 6241-t, 6243-t, 6244-t, 6249-t, 6714-t, 6715-t, 7030-t, 15401-t, 15402-t, 15403-t, 15404-t, 15405-t, 15406-t, 15407-t.)

On July 22, 26, and 27, August 5, and September 2, 1921, respectively, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district various libels and on August 11, 1921, amendments to certain of the said libels, praying the seizure and condemnation of 200 gallon cans, 100 half-gallon cans, and 24 quart cans of La Provence Brand oil, 12 gallon cans, 12 half-gallon cans, and 24 quart cans of Caproni Brand oil, 23 gallon cans of a compound of vegetable oils, and 14 gallon cans and 22 half-gallon cans of oil, remaining in the original unbroken packages at New York, N. Y., alleging that the articles had been shipped by the Littauer Oil Co., Guttenberg, N. J., between the dates May 4 and June 17, 1921, and transported from the State of New Jersey into the State of New York, and charging that a portion of the said articles was adulterated and misbranded and the remainder thereof misbranded, in violation of the Food and Drugs Act, as amended. The articles were labeled variously in part: "La Provence Brand Oil \* \* \* Pressed From Cotton Seeds \* \* \* Better Than Olive Oil \* \* \* Littauer Oil Co., Guttenberg, N. J."; "Caproni Brand Oil For Salads and Cooking Blended With Pure



Olive Oil \* \* \* Better Than Olive Oil \* \* \* One Gallon" (or "One Half Gallon" or "One Quart"); "Olio Puro Brand Olio Per Insalata Come L'Olio D'Oliiva \* \* \* A Compound Of Vegetable Oils Blended With Pure Olive Oil One Gallon \* \* \*"; and "One Gallon" (or "One Half Gallon") "Olivolo Brand Olio Per Insalata Come L'Olio D'Oliiva \* \* \* A Pure Salad Oil Blended With Olive Oil Packed by Littauer Oil Co. Guttenberg, N. J. \* \* \*."

Adulteration of the Olio Puro Brand and the Olivolo Brand oils was alleged in the libels for the reason that cottonseed oil had been mixed and packed with and substituted wholly or in part for the said articles, and for the further reason that they had been mixed in a manner whereby damage or inferiority was concealed.

Misbranding of the said Olio Puro Brand and the Olivolo Brand oils was alleged for the reason that they were imitations of, and offered for sale under the distinctive name of, another article, and for the further reason that they purported to be foreign products when not so. Misbranding was alleged with respect to the said oils for the further reason that the package or label bore the above-quoted statements, designs, and devices regarding the articles or the ingredients and substances contained therein, together with the use of the Italian language, which were false and misleading and deceived and misled the purchaser. Misbranding of the La Provence Brand and the Caproni Brand oils was alleged for the reason that the statements on the respective containers, to wit, "One Quart," "One Gallon," or "One Half Gallon," as the case might be, were false and misleading and deceived and misled the purchaser, and for the further reason that the said articles were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 25, 1921, the cases involving 200 one-gallon cans, 100 one-half gallon cans, and 24 one-quarter gallon cans of La Provence Brand oil and 6 one-gallon cans of Caproni Brand oil having been consolidated into one action, and the Littauer Oil Co., Guttenberg, N. J., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the alleged gallon cans be remarked, "3 quarts, 1 pint, 7 fluid ounces" and that the half-gallon cans be remarked "1 quart, 1 pint, 13 fluid ounces."<sup>1</sup> On February 6 and March 13 and 21, 1922, respectively, no claimant having appeared for the remainder of the oil, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the labels be obliterated from the cans and that the products be delivered to the Salvation Army for consumption and not for sale.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10517. Adulteration of peaches. U. S. \* \* \* v. 26 Cases, \* \* \* 31 Cases, \* \* \* and 47 Boxes \* \* \* of Peaches. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15811. I. S. No. 15577-t. S. No. E-3820.)**

On March 27, 1922, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 26 cases, 31 cases, and 47 boxes of peaches, remaining unsold in the original unbroken packages at New York, N. Y., consigned by the Johnston-Cox-Mann Co., Marianna, Ark., alleging that the article had been shipped from Marianna, Ark., on or about March 8, 1922, and transported from the State of Arkansas into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On May 15, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

<sup>1</sup> Seizure of the quarter-gallon cans was not effected.



**10518. Adulteration of shell eggs. U. S. \* \* \* v. Wilson & Co., a Corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 16001. I. S. No. 3024-t.)**

On March 15, 1922, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Wilson & Co., a corporation, trading at Altus, Okla., alleging shipment by said company, in violation of the Food and Drugs Act, on or about August 13, 1921, from the State of Oklahoma into the State of Texas, of a quantity of shell eggs which were adulterated.

Examination, by the Bureau of Chemistry of this department, of 5 cases, consisting of 1,800 eggs, from the consignment showed the presence of 248, or 13.7 per cent, inedible eggs, consisting of mixed or white rots, spot rots, blood rings, blood rots (very bad), and chick rots.

Adulteration of the article was alleged in the information for the reason that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance.

On May 15, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10519. Adulteration and misbranding of butter. U. S. \* \* \* v. 64 Boxes of Butter \* \* \*. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 16138. I. S. No. 8119-t. S. No. E-3855.)**

On April 25, 1922, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 64 boxes, each containing 30 pounds, of an article purporting to be butter, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped on or about April 11, 1922, by the Eggleston Creamery & Produce Co., Eggleston, Minn., and transported from the State of Minnesota into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that excessive moisture had been mixed and packed with and substituted wholly or in part for the article, and for the further reason that a valuable constituent, to wit, butter fat, had been in part abstracted.

Misbranding was alleged in substance for the reason that the packages purported to contain butter, when in fact they did not.

On May 15, 1922, J. J. McDonald, Philadelphia, Pa., having entered his appearance as claimant of the goods, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be released to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of \$1,200, in conformity with section 10 of the act, conditioned in part that the product be relabeled [reworked] under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10520. Adulteration and misbranding of milk chocolate. U. S. \* \* \* v. Massachusetts Chocolate Co., a Corporation. Plea of nolo contendere. Fine, \$25. (F. & D. No. 8701. I. S. No. 4021-m.)**

On April 3, 1918, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Massachusetts Chocolate Co., a corporation, Boston, Mass., alleging shipment by said company, in violation of the Food and Drugs Act, on or about April 9, 1917, from the State of Massachusetts into the State of New York, of a quantity of milk chocolate which was adulterated and misbranded. The article was labeled in part: "Wan-Eta Sweet Milk Chocolate Topekas, Massachusetts Chocolate Co., Boston, Mass."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was deficient in milk.

Adulteration of the article was alleged in the information for the reason that a product, to wit, a mixture composed largely of either sugar or sweet chocolate and deficient in milk, a necessary ingredient of sweet milk chocolate,

had been substituted wholly for sweet milk chocolate, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Sweet Milk Chocolate," borne on the labels attached to the boxes containing the article, regarding the article and the ingredients and substances contained therein, was false and misleading in that the said statement represented that the article was sweet milk chocolate, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the article was sweet milk chocolate, whereas, in truth and in fact, the said article was not sweet milk chocolate, but was a product, to wit, a mixture largely composed of either added sugar or added sweet chocolate and deficient in milk, a necessary ingredient of sweet milk chocolate. Misbranding was alleged for the further reason that the article was a product, to wit, a mixture largely composed of either added sugar or added sweet chocolate and deficient in milk, a necessary ingredient of sweet milk chocolate, and was offered for sale and sold under the distinctive name of another article, to wit, sweet milk chocolate.

On January 6, 1922, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10521. Misbranding of sponge cake. U. S. \* \* \* v. Eugene A. Dexter (Dexter's Bakery). Plea of nolo contendere. Fine, \$25. (F. & D. No. 13902. I. S. No. 12589-r.)**

On December 8, 1920, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Eugene A. Dexter, trading as Dexter's Bakery, Springfield, Mass., alleging shipment by said defendant, on or about January 30, 1920, in violation of the Food and Drugs Act, as amended, from the State of Massachusetts into the State of Connecticut, of a quantity of sponge cake which was misbranded. The article was labeled in part: "Dexter's Mother's Cake. A Delicious Sponge Cake \* \* \* Dexter's Bakery, Springfield, Mass. \* \* \* Net Weight 13 Oz. \* \* \*"

Examination of a sample of the article by the Bureau of Chemistry of this department showed that the average net weight of 20 cakes was 11.675 ounces, an average shortage from the declared weight of 10.19 per cent.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net Weight 13 Oz.," borne on the box containing the article, regarding the said article, was false and misleading in that it represented that each box contained 13 ounces net weight of the said article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said boxes contained 13 ounces net weight of the article, whereas, in truth and in fact, each of the said boxes did not contain 13 ounces net weight of the said article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 21, 1922, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10522. Misbranding of Hall's catarrh medicine. U. S. \* \* \* v. 288 Bottles \* \* \* of \* \* \* Hall's Catarrh Medicine, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14026, 14027, 14028. Inv. Nos. 26581, 26582, 26583, 26584. S. Nos. C-2614, C-2615, C-2616.)**

On or about December 15, 1920, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 1,106 bottles of Hall's catarrh medicine, remaining in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped by the Cheney Medicine Co., Toledo, Ohio, on or about October 25 and November 11 and 19, 1920, respectively, and transported from the State of Ohio into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle)

"Hall's Catarrh Medicine \* \* \* valuable in the treatment of Catarrh \* \* \*"; (booklet) "Hall's Catarrh Medicine For Catarrh of the Nasal Cavity, Catarrh of the Ear, Throat, Stomach, Bowels or Bladder. \* \* \* a Blood Purifier \* \* \* Hall's Catarrh Medicine is an internal remedy, acting through the blood on the mucous surfaces of the system, causing the puriform matter to be carried off through the natural channels. A great many people cannot understand how an internal remedy can affect catarrh when it is located in the head. We would say to them it makes no difference with Hall's Catarrh Medicine where the disease is (head, stomach, bowels, bladder), it is all the same—and is reached in the same manner. through the blood. \* \* \* It is a combination of some of the best alternatives and tonics. \* \* \*"; (carton) "Hall's Catarrh Medicine \* \* \*."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of potassium iodid 6.5 per cent, extracts of gentian and cardamom, a trace of arsenic, sugar 2.3 per cent, alcohol by volume 11.5 per cent, and water approximately 80 per cent.

Misbranding of the article was alleged in substance in the libels for the reason that the above-quoted statements appearing on the labels of the cartons and bottles containing the said article and in the accompanying booklets, regarding the curative and therapeutic effects of the article, were false and fraudulent in that the said article did not contain any ingredient or combination of ingredients capable of producing the effects claimed.

On January 15, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10523. Adulteration and misbranding of chocolate liquor. U. S. \* \* \* v. Massachusetts Chocolate Co., a corporation. Plea of nolo contendere. Fine, \$25. (F. & D. No. 14996. I. S. No. 16962-r.)**

On December 16, 1921, the United States attorney for the district of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Massachusetts Chocolate Co., a corporation, Boston, Mass., alleging shipment by said company, in violation of the Food and Drugs Act, on or about April 13, 1920, from the State of Massachusetts into the State of Maryland, of a quantity of chocolate liquor which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that ground cocoa shells had been added to the said article and that the product was deficient in cocoa butter.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, a product deficient in cocoa butter and which contained added ground cocoa shells, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for "R. Liquor," to wit, chocolate liquor, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "R. Liquor," borne on the labels attached to the cases containing the article, regarding the article and the ingredients and substances contained therein, was false and misleading, in that the said statement represented that the article consisted wholly of "R. Liquor," to wit, chocolate liquor, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of "R. Liquor," to wit, chocolate liquor, whereas, in truth and in fact, it did not so consist but did consist in part of added ground cocoa shells. Misbranding was alleged for the further reason that the article was a product deficient in cocoa butter and which contained added ground cocoa shells, prepared in imitation of, and offered for sale and sold under the distinctive name of, another article, to wit, "R. Liquor," that is to say, chocolate liquor.

On January 6, 1922, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*



**10524. Adulteration of oranges.** U. S. \* \* \* v. 300 Boxes, 396 Boxes, 462 Boxes, and 462 Boxes of Oranges. Consent decrees of condemnation and forfeiture with respect to 1,224 boxes; 924 boxes released under bond to be salvaged and 300 boxes delivered to a charitable association. Consent decree with respect to remaining 396 boxes; 104 boxes condemned, forfeited, and ordered destroyed and 292 boxes released. (F. & D. Nos. 15754, 15755, 15796, 15801. I. S. Nos. 18238-t, 18244-t, 18245-t. Inv. No. 33755. S. Nos. C-3446, C-3447, C-3476, C-3481.)

On or about March 8, 9, 22, and 23, 1922, respectively, the United States attorney for the Northern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 1,620 boxes of oranges, remaining in the original packages at Wichita Falls, Dallas, and Fort Worth, Tex., respectively, consigned by the Pacific Fruit Growers Exchange, Covina, Calif., the Randolph Marketing Co., Highland, Calif., the California Fruit Growers Exchange, LaVerne, Calif., and the American Fruit Growers, Inc., Rialto, Calif., respectively, alleging that the article had been shipped between the dates February 18 and March 13, 1922, and transported from the State of California into the State of Texas, and charging adulteration in violation of the Food and Drugs Act. The article was labeled variously in part: "St. Bernard Brand"; "California Oranges"; "Randolph Special Randolph Fruit Co., Redlands, Calif."; "Geranium Brand \* \* \*"; "Washington Navels Pepper Leaf Brand Riverside Heights Orange Growers Association, \* \* \*"; "Washington Navels Begonia of LaVerne Grown and Packed by LaVerne Orange Association"; and "LaVerne Rancho Foothill Fruit."

Adulteration of the article was alleged in the libels for the reason that it consisted in part of a decomposed vegetable substance.

On or about March 24, 1922, the California Fruit Growers Exchange, claimant for 924 boxes of the product, having admitted the allegations of the libels with respect to said product and having consented to the entry of decrees for the condemnation and forfeiture thereof, judgments of the court were entered ordering that the cars containing the said portion of the product be reconsigned to Waco, Tex., and be salvaged under the supervision of this department, the bad portion destroyed and the good portion delivered to the said claimant without condition. The said California Fruit Growers Exchange having entered an appearance as claimant for 300 boxes of the product at Wichita Falls, Tex., and having waived their right to contest the libel, judgment of the court was entered finding that the product was subject to seizure and condemnation as charged in said libel and ordering that it be delivered to the Fort Worth Welfare Assoc., Fort Worth, Tex., for charitable purposes. On March 24, 1922, N. Nigro & Co., Dallas, Tex., having entered an appearance as claimant for the remaining 396 boxes of the product, by agreement and waiver of the said claimant the product was found to have been transported in interstate commerce in violation of the said act, and it was ordered by the court that 104 boxes of the said product be condemned, forfeited, and destroyed by the United States marshal, and that the remaining 292 boxes thereof be delivered to the said claimant.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10525. Adulteration of shell eggs.** U. S. \* \* \* v. John M. Patten (Lawton Poultry & Egg Co.). Plea of guilty. Fine, \$25 and costs. (F. & D. No. 15853. I. S. Nos. 2003-t, 3397-t.)

On February 25, 1922, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John M. Patten, trading as the Lawton Poultry & Egg Co., Lawton, Okla., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 12 and 19, 1921, respectively, from the State of Oklahoma into the State of Kansas, of quantities of shell eggs which were adulterated.

Examination, by the Bureau of Chemistry of this department, of 1,080 eggs from each of the consignments showed the presence of 168 and 65, respectively, or 15.55 per cent and 6 per cent, respectively, of the total, inedible eggs, consisting of black rots, mixed or white rots, moldy eggs, spot rots, and heavy blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On March 17, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10526. Misbranding of oil. U. S. \* \* \* v. 19 \* \* \* Cans, 79 Cans, and 449 Cans of Oil Labeled \* \* \* La Provence Brand Oil. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 15281, 15293, 15306. I. S. Nos. 8216-t, 8217-t, 8218-t, 8220-t. S. Nos. E-3506, E-3521, E-3530.)**

On July 29 and August 4 and 9, 1921, respectively, the United States attorney for the Northern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 98 half-gallon cans, 410 quart cans, and 39 gallon cans of La Provence Brand oil, at Syracuse, Albany, and Amsterdam, N. Y., respectively, alleging that the article had been shipped by the Littauer Oil Co., Guttenberg, N. J., on or about June 11, 15, and 20, 1921, respectively, and transported from the State of New Jersey into the State of New York, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: " \* \* \* La Provence Brand Oil \* \* \* Littauer Oil Co., Guttenberg, N. J. \* \* \* One Half Gallon " (or "One Quart" or "One Gallon").

Misbranding of the article was alleged in substance in the libels for the reason that the respective statements, "One Gallon," "One Half Gallon," or "One Quart," borne on the labels of the cans containing the said article, were false and misleading and deceived and misled the purchaser, in that the said statements were applied wilfully, wrongfully, and unlawfully to induce purchasers to believe that the said cans contained one gallon, one half-gallon, or one quart, as the case might be, of the said article. Misbranding was alleged for the further reason that the article was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 6, 1922, the cases having been consolidated into one, and the Littauer Oil Co., Guttenberg, N. J., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,094, in conformity with section 10 of the act, conditioned in part that the said product be either labeled with stickers bearing the statements "3 Quarts, 1 Pint, 7 Fluid Ounces," "1 Quart, 1 Pint, 13 Fluid Ounces," and "1 Pint, 15 Fluid Ounces," according to the size of the cans, or that the cans be emptied of the contents and destroyed or disposed of under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10527. Adulteration of Brazil nuts. U. S. \* \* \* v. 4 Sacks \* \* \* of Brazil Nuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15918. I. S. No. 2372-t. S. No. C-3380.)**

On January 14, 1922, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 sacks of Brazil nuts, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by Birdsong Bros., New York, N. Y., on or about July 5, 1921, and transported from the State of New York into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: " \* \* \* 50 Bags Med. Mark E. Birdsong Brothers."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in whole or in large part of a filthy, decomposed, and putrid vegetable substance, in that it contained rancid, moldy, and shriveled nuts.

On April 27, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10528. Adulteration and misbranding of olive oil. U. S. \* \* \* v. 75 Cans of \* \* \* Caruso Puro Olio D'Oliiva \* \* \*. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15920. I. S. No. 8107-t. S. No. E-3732.)**

On January 30, 1922, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation



of 75 cans of a product labeled "Caruso Puro Olio D'Oliiva," remaining unsold in the original unbroken packages at Wilmington, Del., alleging that the article had been shipped by the Southern [Olive] Oil Co., New York, N. Y., on or about November 3, 1921, and transported from the State of New York into the State of Delaware, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel for the reason that substances, oils other than olive oil, had been mixed and packed with and substituted wholly or in part for the said article and for the further reason that it was mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged in substance for the reason that the statements on the cans containing the article, "Net Contents One Quarter Gallon Caruso Puro Olio D'Oliiva \* \* \* This can contains the best olive oil ever produced \* \* \*," together with a design or device of olive branches showing olives and the use of the Italian language, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the quantity stated was not correct, and for the further reason that the article purported to be a foreign product when not so.

On May 8, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10529. Misbranding of Ferraline. U. S. \* \* \* v. 311 Bottles \* \* \* of \* \* \* Ferraline. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16296. Inv. No. 38659. S. No. C-3613.)**

On May 11, 1922, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 311 bottles of Ferraline, at Houston, Tex., alleging that the article had been shipped by the Ferraline Medicine Co., Demopolis, Ala., on or about August 12, 1920, and transported from the State of Alabama into the State of Texas, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton) " \* \* \* For Stomach Trouble, Rheumatism, Indigestion, Kidney Trouble, Blood Purifier, System Builder \* \* \* Builds up the Rundown System, Restores Vitality, Relieves 'Spring Fever' and has no equal in the treatment of Kidney Trouble. For Weak, Puny Children this Natural Tonic can be relied upon no matter how serious or long standing \* \* \*," (bottle) " \* \* \* For Indigestion, Rheumatism, Stomach Trouble, Kidney Trouble, Dysentery. System Builder And Blood Purifier \* \* \*"; (circular) " \* \* \* the greatest System Builder known. \* \* \* Indigestion flees when Ferraline approaches, Rheumatism hides when Ferraline crowds the blood with rich, Red Corpuscles, Nervousness is forgotten when Ferraline takes hold, Weakness and Fear and Physical Timidity give way to Strength and Courage and Force when Ferraline is used regularly. \* \* \* Ferraline \* \* \* will benefit anyone who is weak, rundown and lacking in that full strength and vigor that brings happiness and contentment to the perfect man. Ferraline is the Sure Way. \* \* \* If you are weak and nervous, if your digestive organs are impaired or if you suffer with Rheumatism, kidney or stomach trouble, begin Today taking Ferraline and become Rich in Good Health. Ferraline is guaranteed to give permanent relief to those who suffer with Indigestion, Rheumatism \* \* \* Insomnia, Burns, \* \* \* Eczema, Poison Oak or Stings of any kind. \* \* \* For Indigestion, Dyspepsia, or Stomach Troubles, \* \* \* Rheumatism, \* \* \* General Debility, \* \* \* Dysentery or Bloody Flux. \* \* \* Burns, \* \* \* Kidney Trouble or general rundown condition, \* \* \* Ferraline \* \* \* Will \* \* \* Build Up the System; It Will Positively Relieve Indigestion And Stomach Troubles; It Will Cure Rheumatism When Caused by Impoverished Blood And Many Other Causes; It Is A Wonderful Remedy For Kidney Troubles; \* \* \* Is Especially Recommended For Pellagra Or Any Symptom Of A Run Down, Impoverished Condition \* \* \*."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of about 3 per cent of iron sulphate and other iron compounds and about 97 per cent of water.



Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements regarding its curative or therapeutic effects, appearing on the carton and bottles containing the article and in the accompanying circular, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 13, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10530. Misbranding of cottonseed cake. U. S. \* \* \* v. Planters Cotton Oil Co., Ltd., a Corporation. Plea of guilty. Fine, \$100. (F. & D. No. 12476. I. S. No. 11996-r.)**

On December 3, 1920, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Planters Cotton Oil Co., Ltd., a corporation, Natchitoches, La., alleging shipment by said company, on or about January 22, 1919, in violation of the Food and Drugs Act, as amended, from the State of Louisiana into the State of Kansas, of a quantity of cottonseed cake which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 37.25 per cent of crude protein, 5.10 per cent of crude fat, and 16.21 per cent of crude fiber. Examination of the article showed that the average net weight of 63 sacks was 92.12 pounds.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "100 Pounds Gross 99 Lbs. Net Guaranteed Analysis Protein, not less than 41%, Oil or Fat, not less than 6%, Crude Fiber, not more than 12%," borne on the tags attached to the sacks containing the article, regarding the article and the ingredients and substances contained therein, were false and misleading in that they represented that each of the said sacks weighed 100 pounds gross and contained 99 pounds net of the article and that it contained not less than 41 per cent of protein, not less than 6 per cent of oil or fat, and not more than 12 per cent of crude fiber, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said sacks weighed 100 pounds gross and contained 99 pounds net of the said article and that it contained not less than 41 per cent of protein, not less than 6 per cent of oil or fat, and not more than 12 per cent of crude fiber, whereas, in truth and in fact, each of the said sacks did not weigh 100 pounds gross but did weigh a less amount, the said sacks did not contain 99 pounds net of the article but did contain a less amount, and the said article did contain less than 41 per cent of protein, less than 6 per cent of oil or fat, and more than 12 per cent of crude fiber, to wit, approximately 37.25 per cent of protein, 5.10 per cent of oil or fat, and 16.21 per cent of crude fiber. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 24, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10531. Misbranding of lake herring. U. S. \* \* \* v. Swift & Co., a Corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 12807. I. S. No. 7335-r.)**

On August 20, 1920, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Swift & Co., a corporation, East St. Louis, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about August 5, 1919, from the State of Illinois into the State of Indiana, of a quantity of an article of food, to wit, lake herring, which was misbranded.

Examination of a sample of the article by the Bureau of Chemistry of this department showed that the average net weight of 5 pails was 8½ pounds.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net 10," borne on the pails containing the article, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that each of the said pails con-

tained 10 pounds net of the article, and for the further reason that said article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said pails contained 10 pounds net of the article, whereas, in truth and in fact, each of the said pails did not contain 10 pounds net of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 16, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10532. Misbranding of Nervosex tablets. U. S. \* \* \* v. 6 Packages of Nervosex Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14572. I. S. No. 8464-t. S. No. E-3149.)**

On March 1, 1921, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 6 packages of Nervosex tablets, remaining unsold in the original unbroken packages at Roanoke, Va., consigned June 23, 1920, alleging that the article had been shipped by the United Laboratories, East St. Louis, Ill., and transported from the State of Illinois into the State of Virginia, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills contained zinc phosphid, a phosphate, an iron compound, and vegetable constituents, including material derived from nuxvomica.

Misbranding of the article was alleged in substance in the libel for the reason that certain statements regarding the curative and therapeutic effects of the said article were false and fraudulent, in that it was stated upon the labels thereof that Nervosex tablets were a compound of nerve and muscle stimulants for low vitality, lack of energy, and sexual weakness, whereas, in truth and in fact, the said article would not produce the curative and therapeutic effects as claimed in said labels.

On August 16, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10533. Adulteration and misbranding of canned oysters. U. S. \* \* \* v. 80 Cases of Pamlico Brand Oysters in Cans. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14691. I. S. No. 11270-t. S. No. C-2799.)**

On March 31, 1921, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 80 cases of Pamlico Brand oysters in cans, remaining in the original unbroken packages at Dothan, Ala., alleging that the article had been shipped by the Crockett Packing Co., Washington, N. C., May 15, 1920, and transported from the State of North Carolina into the State of Alabama, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Can) "Pamlico Brand Oysters Contents 5 Oz. Packed By Crockett Packing Co. Washington, N. C."

Adulteration of the article was alleged in the libel for the reason that liquor, clam shells, oyster shells, and grass had been mixed and packed with and substituted wholly or in part for oysters. Adulteration was alleged for the further reason that the article consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

Misbranding was alleged in substance for the reason that the statement on the label of the can containing the said article, to wit, "Oysters \* \* \* Contents 5 Oz.," together with the design of an oyster on half shell, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article; and for the further reason that it was [food] in package form, and the quantity of

the contents was not plainly and conspicuously marked on the outside of the package.

On June 5, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10534. Adulteration and misbranding of mustard. U. S. \* \* \* v. 350**  
**Cases of \* \* \* Mustard. Decree of condemnation, forfeiture,**  
**and destruction. (F. & D. No. 14702. I. S. No. 10596-t. S. No. W-905.)**

On April 6, 1921, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 350 cases of mustard, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Bayle Food Products Co., from Luther, Mo., August 2, 1920, and transported from the State of Missouri into the State of Oregon, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Jars) "Six Ounces" (or "Nine Ounces") "Net Bayle Quality Horseradish Mustard. Bayle Food Products Co., St. Louis \* \* \*."

Adulteration of the article was alleged in the libel for the reason that mustard hulls had been mixed and packed with and substituted in part for the article and for the further reason that it was colored in a manner whereby damage and inferiority were concealed.

Misbranding was alleged in substance for the reason that the statements, "Prepared Mustard, Horse-radish, Mustard Seed, Vinegar, Salt and Spices with Turmeric," appearing on the labels of the jars containing the said article, were false and misleading and deceived and misled purchasers, since the said article contained added mustard hulls and did not contain sufficient quantity of horse-radish to justify the use of the word "Horse-radish" as an ingredient.

On February 11, 1922, the matter having come on for final disposition, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10535. Adulteration and misbranding of oil and olive oil. U. S. \* \* \***  
**v. S One-Fourth Gallon Tins \* \* \* of Oil and 3 Gallon Tins**  
**\* \* \* of Olive Oil \* \* \*. Default decrees of condemnation,**  
**forfeiture, and destruction. (F. & D. Nos. 14894, 14895. I. S. Nos.**  
**7102-t, 7104-t. S. No. E-3356.)**

On May 16, 1921, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 8 one-fourth gallon tins of oil and 3 gallon tins of olive oil, remaining in the original unbroken packages at Plainfield, N. J., alleging that the articles had been shipped by the Southern Olive Oil Co., New York, N. Y., on or about March 28, 1921, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The "Fabbri Brand" bore a cut of foreign design, representing a bear standing with its fore paws on a tin of said oil, and also a representation of olive branches and on another part of the tin a foreign design of an Italian girl carrying olive branches and the statement in conspicuous type, "Fabbri Brand  $\frac{1}{4}$  Gallon Net," and the further statement in inconspicuous type, "Cotton Seed Flavored with Olive Oil." The "Caruso Brand" bore a representation of olive branches, showing ripe olives and a trade mark design, to wit, a representation of an urn and the statements, "Net Contents One Gallon Caruso \* \* \* Puro Olio D'Oliwa \* \* \* Southern Olive Oil Co. Sole Agents \* \* \* Product Of The Compagnia Anonima Raffinerie Unite Susea-Oneglia Incorporated In The U. S. Of America Under The Name Of Southern Olive Oil Co. \* \* \* This Can Contains The Best Olive Oil Ever Produced. \* \* \*"

Adulteration of the articles was alleged in substance in the libels for the reason that certain substances, to wit, cottonseed oil and peanut oil with respect to the "Fabbri Brand," and cottonseed oil with respect to the "Caruso Brand," had been mixed and packed with the said articles so as to reduce and lower and



injuriously affect their quality and strength and had been substituted wholly or in part for olive oil, which the articles by their labelings and designs purported to be; and for the further reason that the said substances had been mixed with the said articles in a manner whereby their damage and inferiority were concealed.

Misbranding was alleged in substance for the reason that the respective labels and designs as above represented, borne on the cans containing the articles, regarding the said articles and the substances contained therein, constituted designs and devices which were false and misleading in that they represented that the articles were pure olive oil made in a foreign country, and that the cans containing the "Fabbrini Brand" contained one-quarter gallon thereof, whereas, in truth and in fact, the said articles were not foreign products and were not pure olive oil but were products composed wholly or in part of cottonseed oil, and the cans containing the said "Fabbrini Brand" contained less than one-quarter gallon thereof. Misbranding was alleged for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they were pure olive oil and foreign products, whereas, in truth and in fact, they were not pure olive oil and were not foreign products but were products composed of cottonseed oil and peanut oil, or cottonseed oil, as the case might be. Misbranding was alleged in substance for the further reason that the articles were imitations of, and were offered for sale under the distinctive name of, another article; and for the further reason that they were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On February 9, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10536. Misbranding of peanut feed. U. S. \* \* \* v. Steele By-Products Co., Inc., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 14909. I. S. No. 9084-t.)**

On June 21, 1921, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Steele By-Products Co., Inc., a corporation, Birmingham, Ala., alleging shipment by said company, on or about July 27, 1920, in violation of the Food and Drugs Act, from the State of Alabama into the State of Georgia, of a quantity of peanut feed which was misbranded. The article was labeled in part: "Little Coon Peanut Feed \* \* \* Distributed By Steele By-Products Co., Inc., Birmingham, Ala. \* \* \*"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 26.3 per cent of protein, 4.00 per cent of crude fat, and 33.4 per cent of crude fiber.

Misbranding of the article was alleged in the information for the reason that it was labeled on the tag attached to the sack containing the said article, "Guaranteed Analysis Protein, not less than 30.00%, Fat, not less than 6.00% \* \* \* Fibre, not more than 25.00%," which statement regarding the article and the percentage of protein, fat, and fiber, respectively, contained therein, was false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser thereof into the belief that it contained not less than 30 per cent of protein, not less than 6 per cent of fat, and not more than 25 per cent of fiber, whereas, in truth and in fact, the said article contained less than 30 per cent of protein, less than 6 per cent of fat, and more than 25 per cent of fiber.

On November 10, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10537. Misbranding of Gold Medal Brand sexual pills. U. S. \* \* \* v. 10 Packages of Gold Medal Brand Sexual Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15512. Inv. No. 33821. S. No. C-3291.)**

On November 4, 1921, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 packages of Gold Medal Brand sexual pills, remaining in

the original unbroken packages at Montgomery, Ala., alleging that the article had been shipped by the S. Pfeiffer Mfg. Co., St. Louis, Mo., on or about July 26, 1920, and transported from the State of Missouri into the State of Alabama, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Gold Medal Brand Sexual Pills For Vim, Vigor and Vitality."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills contained phosphorus and extracts of nux vomica and damiana.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements appearing in the labeling of the said article, regarding its curative and therapeutic effects, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On May 2, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10538. Misbranding of sour gherkins. U. S. \* \* \* v. 37 Cases \* \* \* of Sour Gherkins. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15921. I. S. No. 3918-t. S. No. C-3010.)**

On January 16, 1922, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 37 cases, each containing 48 cans, of sour gherkins, remaining unsold in the original unbroken cases at Oklahoma City, Okla., alleging that the article had been shipped by the California Packing Corp., San Francisco, Calif., on or about November 22, 1921, and transported from the State of California into the State of Oklahoma, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Case) "Del Monte Brand Quality Sour Gherkins California Packing Corporation San Francisco."; (can) "Del Monte Brand \* \* \* Net Weight 12 Oz. Drained Weight 8½ Oz. \* \* \*"

Misbranding of the article was alleged in substance in the libel for the reason that the cans containing the article were labeled as above quoted so as to deceive and mislead the purchaser, in that the said labels represented the cans to contain the net weight 12 ounces and drained weight 8½ ounces, when, in truth and in fact, they did not contain said quantity of food. Misbranding was alleged in substance for the further reason that the quantity of the contents of the said cans was not plainly and conspicuously marked on the outside thereof in that the said labels were marked "Net Weight 12 Oz. Drained Weight 8½ Oz.," when, in truth and in fact, the said cans did not contain the said quantity of food and the variation therefrom was unreasonable.

On May 13, 1922, the California Packing Corp., San Francisco, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree of condemnation and forfeiture, judgment of the court was entered declaring the product to be misbranded and ordering that it be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the product be relabeled under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10539. Misbranding of Nunn's Black Oil healing compound. U. S. \* \* \* v. 5 Dozen Large and ½ Dozen Small Bottles, et al., of Nunn's Black Oil Healing Compound. Default decrees of condemnation and forfeiture. Product ordered disposed of according to law. (F. & D. Nos. 16100, 16101. I. S. Nos. 13962-t, 13964-t. S. Nos. W-1069, W-1070.)**

On April 17, 1922, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 5 dozen large and 6½ dozen small bottles of Nunn's Black Oil healing compound, remaining in the original unbroken packages at Los Angeles, Calif., consigned by Dr. Nunn's Black Oil Co., Salt Lake City, Utah, alleging that the article had been shipped from Salt Lake City, Utah, August 26, 1921, and March 7, 1922, respectively, and transported from the State of Utah into



the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of a mixture of a sulphureted vegetable oil and kerosene.

Misbranding of the article was alleged in substance in the labels for the reason that the following statements appearing on the labels of the packages containing the said article and in the accompanying circular, to wit, (label, both sizes) "A Safe, Speedy, Reliable Relief For \* \* \* Fistulas, Withers, Poll Evil \* \* \* Scalded Heads on Children, Skin Eruptions, also Colic \* \* \* Coughs and Distemper in Horses and Cattle, Roup in Chickens, etc. \* \* \*," (label, large size additional) "Coughs, \* \* \* Colic, \* \* \* Ninety per cent of cases are cured in twenty minutes; then quit. \* \* \*," (circular, both sizes) " \* \* \* Teamsters Safeguard \* \* \* Horse Coughing, \* \* \* Horse got Distemper, Pink Eye, etc., \* \* \* Horse got Colic, \* \* \* Chicken got Roup, \* \* \* Stallions, give on tongue \* \* \* during season, \* \* \* Get well acquainted with the workings of this medicine, \* \* \* and remember anything on man or beast that has a sore of any description. The Black Oil Is Your Doctor. Try It And Be Convinced \* \* \* Don't Let Your Chickens Die With Avian Diphtheria Known as Chicken Roup \* \* \* While Avian Diphtheria is entirely different from the human form, cases are recorded where children have contracted serious and even fatal sore throat from this source. \* \* \* Don't waste any time. Catch the fowl and give half teaspoonful to each chicken diseased in mouth, and smear the whole head, once a day, for three days with Dr. Nunn's Black Oil Healing Compound \* \* \*," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On May 29, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be disposed of according to law. The product was destroyed.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10540. Adulteration and misbranding of orange drip compound and grape drip compound. U. S. \* \* \* v. Julius King (with others trading as the Orange Drip Co.). Plea of guilty. Fine, \$50 and costs. (F. & D. No. 15858. I. S. Nos. 5964-t, 9304-t.)**

On March 20, 1922, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Julius King, a member of a copartnership trading as the Orange Drip Co., Chattanooga, Tenn., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about June 6, 1921, from the State of Tennessee into the State of Florida, of a quantity of grape drip compound, and on or about July 7, 1921, from the State of Tennessee into the State of Pennsylvania, of a quantity of orange drip compound, which were adulterated and misbranded. The articles were labeled in part, respectively: (Kegs) "Grape Drip Compound \* \* \* The Orange Drip Company, Chattanooga, Tenn. \* \* \*," and "Orange Drip Compound \* \* \*."

Analysis of a sample of the grape drip compound by the Bureau of Chemistry of this department showed that it was a sugar sirup artificially colored and flavored, with added citric acid and phosphates, and containing apparently no portion of the natural grape; analysis of a sample of the orange drip compound by said bureau showed that it was a sugar sirup artificially colored and flavored with orange oil, but containing no fruit juice.

Adulteration of the articles was alleged in substance in the information for the reason that substances, to wit, an artificially colored and flavored sirup containing no grape or grape juice, or an artificially colored sugar sirup flavored with orange oil and containing no orange fruit or juice of orange fruit, as the case might be, had been substituted wholly or in part for a fruit sirup containing grape or grape juice or a preparation containing orange fruit or juice of orange fruit, which the said articles purported to be. Adulteration was alleged in substance for the further reason that an artificially colored and flavored sirup or an artificial coloring matter, as the case might be, had been mixed with the said articles in a manner whereby their inferiority to the articles they purported to be was concealed.

Misbranding was alleged in substance for the reason that the statements, to wit, "Grape Drip Compound" and "Orange Drip Compound," borne on the kegs



containing the articles, regarding the articles and the substances contained therein, were false and misleading in that the said statements represented the said articles to contain grape or grape juice, or orange fruit or the juice of orange fruit, as the case might be, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they contained grape or grape juice or orange fruit or the juice of orange fruit, as the case might be, whereas, in truth and in fact, the said grape drip compound contained no grape or juice of the grape but was an artificially flavored and colored sugar sirup preparation, and the orange drip compound was an artificially colored sugar sirup, flavored with orange oil and containing no orange fruit or juice of orange fruit. Misbranding was alleged in substance for the further reason that the articles were imitations of, and were offered for sale under the distinctive names of, other articles, to wit, grape drip compound and orange drip compound.

On April 24, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10541. Adulteration of shell eggs. U. S. \* \* \* v. Imon Gee (Imon Gee Produce House). Plea of guilty. Fine, \$5 and costs. (F. & D. No. 15598. I. S. No. 3010-t.)**

On March 20, 1922, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Imon Gee, trading as Imon Gee Produce House, Prescott, Ark., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 13, 1921, from the State of Arkansas into the State of Texas, of a quantity of shell eggs which were adulterated. The article was labeled in part: "From Imon Gee Produce House \* \* \* Prescott, Arkansas."

Examination, by the Bureau of Chemistry of this department, of the 360 eggs in the consignment showed the presence of 60, or 16 $\frac{2}{3}$  per cent, inedible eggs, consisting of mixed or white rots, spot rots, blood rings, and chick rots.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On May 8, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$5 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10542. Adulteration of shell eggs. U. S. \* \* \* v. Levi Poindexter. Plea of guilty. Fine, \$5 and costs. (F. & D. No. 15454. I. S. No. 3011-t.)**

On December 27, 1921, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Levi Poindexter, DeQueen, Ark., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 16, 1921, from the State of Arkansas into the State of Texas, of a quantity of shell eggs which were adulterated. The article was labeled in part: "L. Poindexter \* \* \* DeQueen, Arkansas \* \* \*."

Examination, by the Bureau of Chemistry of this department, of the 360 eggs involved in the consignment showed the presence of 44, or 12.2 per cent, inedible eggs, consisting of mixed or white rots, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On May 8, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$5 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10543. Adulteration and misbranding of olive oil. U. S. \* \* \* v. 6 Gallon Cans, 25 Half-Gallon Cans, and 75 Quart Cans \* \* \* of \* \* \* Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15342. I. S. Nos. 15415-t, 15416-t, 15417-t. S. No. E-3541.)**

On or about August 11, 1921, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 6 gallon cans, 25 half-gallon cans, and 75 quart cans of an

article purporting to be olive oil, remaining unsold at Paterson, N. J., alleging that the article had been shipped by I. Haber, New York, N. Y., on or about June 24, 1921, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article considered as a food was alleged in the libel for the reason that a substance, peanut oil, mixed in a manner whereby damage or inferiority was concealed, had been substituted wholly or in part for the said article and had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength. Adulteration of the article considered as a drug was alleged for the reason that it was sold under a name recognized in the United States Pharmacopœia, and differed from the pharmacopœial standard of strength, quality, or purity.

Misbranding of the article was alleged in substance for the reason that the package or label bore a statement, design, or device, regarding the said article or the ingredients or substances contained therein, as follows, "Olio d'Oliiva Puro Importato Pure Imported Olive Oil Napoli Brand Net Contents One Gal." (or "Half-Gallon" or "One Quart") "This imported olive oil is guaranteed to be absolutely pure and especially adapted for medicinal and table use," together with similar statements in Italian and the cut of a foreign scene suggesting Naples, which were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in that the statement made was not correct.

On February 9, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10544. Misbranding of butter. U. S. \* \* \* v. Bryant & Ordway Co., a Corporation. Plea of nolo contendere. Information placed on file.** (F. & D. No. 15251. I. S. No. 13376-t.)

On November 5, 1921, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Bryant & Ordway Co., a corporation, Boston, Mass., alleging shipment by said company, on or about February 28, 1921, in violation of the Food and Drugs Act, as amended, from the State of Massachusetts into the State of New Hampshire, of a quantity of butter which was misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 24, 1922, a plea of nolo contendere was entered on behalf of the defendant company, and the court ordered the information placed on file.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10545. Misbranding of compound oil. U. S. \* \* \* v. 13 Cans \* \* \* of Compound Oil. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 14988. I. S. No. 6621-t. S. No. E-3387.)

On June 24, 1921, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 13 gallon cans of compound oil, remaining unsold at Newark, N. J., alleging that the article had been shipped by the Economu-Ritsos Co., Inc., New York, N. Y., on or about May 26, 1921, and transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Extra Fine Quality Oil For Salads Victory Brand \* \* \* Packed by Economu-Ritsos Co. Inc. New York."

Misbranding of the article was alleged in the libel for the reason that the statement borne on the cans containing the article, concerning the quantity of the article contained therein, to wit, "Net Contents One Gallon," was false and misleading, since the said cans did not contain one gallon net of the said article but contained a less quantity, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said cans each contained one gallon net of the said article,

whereas, in truth and in fact, the said cans did not contain one gallon net of the article but contained a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the net quantity stated was more than the actual contents of the said package.

On February 9, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10546. Adulteration and misbranding of vinegar. U. S. \* \* \* v. 433 Cases \* \* \* of Vinegar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14434. I. S. No. 4172-t. S. No. C-2792.)**

On February 11, 1921, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 433 cases of vinegar, at Chicago, Ill., alleging that the article had been shipped by the Naas Cider & Vinegar Co., Inc., Cohocton, N. Y., May 20, 1920, and transported from the State of New York into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that distilled vinegar, or acetic acid, had been mixed and packed with the said article so as to reduce, lower, and injuriously affect its quality and strength.

Misbranding was alleged in substance for the reason that the bottles containing the article bore a label in words and figures as follows, to wit, "Steuben Brand Cider Vinegar Reduced to 4% Acetic Acid Made From Apples M'd April 1919 Net Contents One Pint Reduced Fermented \* \* \*," which statement was false and misleading in that it represented that the article consisted of fermented cider vinegar, and for the further reason that the above-quoted statement appearing on the said bottles deceived and misled the purchaser into the belief that the article was a fermented cider vinegar, whereas, in truth and in fact, it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, fermented cider vinegar.

On June 29, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10547. Misbranding of tomatoes. U. S. \* \* \* v. James Daniel Bonds and Howard Joseph Foltz (J. D. Bonds & Co.). Pleas of guilty. Fine, \$10 and costs. (F. & D. No. 14359. I. S. No. 11526-t.)**

On April 13, 1921, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against James Daniel Bonds and Howard Joseph Foltz, copartners, trading as J. D. Bonds & Co., Humboldt, Tenn., alleging shipment by said defendants, on or about July 19, 1920, in violation of the Food and Drugs Act, as amended, from the State of Tennessee into the State of Indiana, of a quantity of tomatoes which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On November 1, 1921, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$10 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10548. Misbranding of cottonseed cake. U. S. \* \* \* v. Farmers Oil & Fertilizer Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 12291. I. S. No. 12031-r.)**

On June 28, 1920, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Farmers Oil & Fertilizer Co., a corporation, Texarkana, Tex., alleging shipment by said



company, on or about March 4, 1919, in violation of the Food and Drugs Act, as amended, from the State of Texas into the State of Kansas, of a quantity of cottonseed cake which was misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 2, 1920, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10549. Adulteration and misbranding of grape juice. U. S. \* \* \* v. 10 Five-Gallon Kegs of New Grape Juice, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 607-c, 608-c, 609-c. I. S. Nos. 12677-t, 12678-t.)**

On September 7, 1920, the United States attorney for the District of South Dakota, acting upon reports by the Food and Drug Commissioner for the State of South Dakota, filed in the District Court of the United States for said district libels for the seizure and condemnation of 20 five-gallon kegs of new grape juice, so-called, remaining in the original unbroken packages at Jefferson, Yankton, and Vermillion, S. D., respectively, alleging that the article had been shipped by the Northwestern Beverage Co., Sioux City, Iowa, August 25, 1920, and transported from the State of Iowa into the State of South Dakota, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libels for the reason that a substance, to wit, a solution of invert sugar and apple product, had been mixed and packed with the said article so as to reduce, lower, and injuriously affect its quality and strength, and for the further reason that a partially fermented product, to wit, a solution of invert sugar, apple product, and tartaric acid, had been substituted in part for grape juice.

Misbranding was alleged for the reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, grape juice.

On January 15, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10550. Misbranding of cottonseed meal and cake. U. S. \* \* \* v. Vidalia Oil & Ice Co., a Corporation. Plea of guilty. Fine, \$150. (F. & D. No. 12307. I. S. Nos. 10873-r, 11973-r.)**

On July 17, 1920, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Vidalia Oil & Ice Co., a corporation, Vidalia, La., alleging shipment by said company, on or about December 12, 1918, in violation of the Food and Drugs Act, as amended, from the State of Louisiana into the State of Kansas, of quantities of cottonseed meal and cake which were misbranded. The articles were labeled in part: "Owl Brand \* \* \* High-Grade Cotton Seed Meal \* \* \*"

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the cottonseed meal contained 13.17 per cent of crude fiber, 38.16 per cent of crude protein, 6.10 per cent of total nitrogen, and 7.41 per cent of total ammonia; and that the cottonseed cake contained 12.78 per cent of crude fiber, 38.08 per cent of crude protein, 6.09 per cent of total nitrogen, and 7.40 per cent of total ammonia. Examination of the articles showed that the average net weight of 40 sacks of the cottonseed cake was 98.27 pounds, and that the average net weight of 16 sacks of the cottonseed meal was 94.75 pounds.

Misbranding of the articles was alleged in the information for the reason that certain statements, to wit, "100 Lbs. Gross 99 Lbs. Net Ammonia 8%, Protein 41% \* \* \* Nitrogen 6½% \* \* \* These are minimum guarantees Frequently runs higher \* \* \* Fibre, maximum 10% \* \* \*," borne on the tags attached to the sacks containing the articles, regarding the said articles and the ingredients and substances contained therein, were false and misleading in that they represented that the articles contained 8 per cent of ammonia, 41 per cent of protein, and 6½ per cent of nitrogen, and not more than 10 per cent of fiber, and that each of the said sacks contained 99 pounds of the respective articles, and for the further reason that the respective articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they

contained 8 per cent of ammonia, 41 per cent of protein, and  $6\frac{1}{2}$  per cent of nitrogen, and not more than 10 per cent of fiber, and that each of the said sacks contained not less than 99 pounds of the article, whereas, in truth and in fact, the said articles did not contain 8 per cent of ammonia nor 41 per cent of protein nor  $6\frac{1}{2}$  per cent of nitrogen, but did contain a less amount, they did contain more than 10 per cent of fiber and each of the said sacks contained less than 99 pounds of the article. Misbranding was alleged for the further reason that the articles were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On May 22, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

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# United States Department of Agriculture.

## SERVICE AND REGULATORY ANNOUNCEMENTS.

### BUREAU OF CHEMISTRY.

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N. J. 10551-10600.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., October 28, 1922.]

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

**10551. Misbranding of Nux-Auro-Papanad. U. S. \* \* \* v. 124 Packages of \* \* \* Nux-Auro-Papanad. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 13568. I. S. Nos. 10065-t, 10329-t. S. No. W-723.)

On August 25, 1920, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 124 packages of Nux-Auro-Papanad, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the American Apothecaries Co., New York, N. Y., on or about June 10, 1920, and transported from the State of New York into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of red sugar-coated pills containing strychnine, salts of zinc, calcium, and lithium, and creosote.

Misbranding of the article was alleged in substance in the libel for the reason that it was labeled in part on the bottle as follows, "Nux-Auro-Papanad \* \* \* Restorative, Aphrodisiac \* \* \* Indicated in \* \* \* Vaso-Motor-Paresis, Neurasthenia, Melancholia, Malnutrition, General Debility, Sexual Exhaustion \* \* \*," which statements were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On June 21, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10552. Adulteration and misbranding of mustard. U. S. \* \* \* v. 68 Jars and 5 Cases \* \* \* and 5 Cases \* \* \* of Canton Brand Mustard. Default decrees of condemnation and forfeiture. Product delivered to charitable institution.** (F. & D. Nos. 13997, 13998. I. S. Nos. 8668-t, 8669-t, 8667-t. S. Nos. E-2900, E-2901.)

On or about December 15, 1920, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 68 jars and 10 cases, each containing 6 gallon jugs, of mustard, remaining unsold in the original packages at Wheeling, W. Va., alleging that the article had been shipped by the Canton Canning Co., Canton, Ohio, on or about August 26, September 30, and October 5, 1920, re-

spectively, and transported from the State of Ohio into the State of West Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Canton Brand Prepared Mustard \* \* \* Packed by the Canton Canning Co., Canton, O."

Adulteration of the article was alleged in the libels for the reason that mustard hulls had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that it was colored in a manner whereby its inferiority was concealed.

Misbranding was alleged in substance for the reason that the statements appearing on the labels of the jugs and jars containing the article, "Canton Brand Prepared Mustard. Made from Pure Mustard Seed with Salt, Spices and Vinegar. Colored with Turmeric," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article; and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On July 3, 1922, no claimant having appeared for the property, judgments of the court were entered forfeiting the product to the Government and ordering that it be delivered to the Wheeling Hospital, Wheeling, W. Va., for the use of the inmates therein.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10553. Misbranding of C. J. C. regulator and C. J. C. liniment. U. S. \* \* \* v. Chester J. Czarnecki (C. J. Czarnecki). Plea of guilty. Fine, \$500 and costs. (F. & D. No. 14755. I. S. Nos. 9953-r, 9954-r.)**

On May 8, 1922, the Grand Jurors of the United States, within and for the District of Indiana, acting upon a report by the Secretary of Agriculture, upon presentment by the United States attorney for said district, returned in the District Court of the United States for the district aforesaid an indictment in four counts against Chester J. Czarnecki, trading as C. J. Czarnecki, at South Bend, Ind., charging shipment by said defendant, on or about April 30, 1920, in violation of the Food and Drugs Act, as amended, from the State of Indiana into the State of Wisconsin, of quantities of C. J. C. regulator and C. J. C. liniment, respectively, which were misbranded. The articles were labeled in part, respectively: (Cartons) (design of red Greek cross with circle around it) " \* \* \* C. J. C. Regulator \* \* \* Mfg. by C. J. Czarnecki, South Bend, Indiana \* \* \*"; and " \* \* \* C. J. C. Rattle-Snake Brand-Liniment \* \* \*."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the regulator contained iron chlorid, a small amount of plant material, a trace of tansy oil, 18 per cent of alcohol, and water; and that the liniment contained camphor, menthol, 5.2 grains of chloral hydrate per fluid ounce, ether, ammonia, 63 per cent of alcohol, and water.

Misbranding of the regulator was alleged in the indictment for the reason that the statement, to wit, "28% Alcohol," appearing on the bottles and cartons containing the article, regarding the said article and the ingredients contained therein, was false and misleading in that the said statement represented that the article contained 28 per cent of alcohol, whereas, in truth and in fact, it did not contain 28 per cent of alcohol but did contain a less amount, to wit, 18 per cent. Misbranding of the liniment was alleged in substance for the reason that it contained chloral hydrate, and the quantity or proportion of the said chloral hydrate was not stated upon the cartons or upon the labels of the bottles containing the article, and for the further reason that it contained alcohol and ether, and the labels of the said bottles bore no statement as to the quantity or proportion of the said alcohol and ether contained in the said articles. Misbranding of both articles was alleged in substance for the further reason that certain statements appearing on the cartons and labels of the bottles containing the respective articles and in the circulars accompanying the same falsely and fraudulently represented the regulator to be effective as a specific, to wit, a remedy, treatment, or cure for painful or disordered menstruation, leucorrhea (whites), general debilitation, hysteria, ovarian neuralgia or inflammation, bearing-down pain, and all similar diseases peculiar to women, and to be effective in strengthening the reproductive organs of women and in regulating the periods (times); and the liniment to be effective as a remedy, treatment, or cure for rheumatism, influenza, grippe, neuralgia, headache,

colds, sore throat, and pneumonia, when, in truth and in fact, the said articles did not contain ingredients or medicinal agents effective for the purposes claimed.

On May 8, 1922, the defendant entered a plea of guilty to the indictment, and the court imposed a fine of \$800 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10554. Adulteration of tomato purée and tomato pulp. U. S. \* \* \* v. Joseph S. Morgan and Ivan C. Morgan (Morgan Packing Co.). Pleas of guilty. Fines, \$500 and costs. (F. & D. No. 14563. I. S. Nos. 7283-r, 7289-r, 8144-r, 8145-r, 8146-r, 8592-r, 10796-r, 10809-r.)**

On May 8, 1922, the Grand Jurors of the United States, within and for the District of Indiana, acting upon a report by the Secretary of Agriculture, upon presentment by the United States attorney for said district, returned in the District Court of the United States for the district aforesaid an indictment in eight counts against Joseph S. Morgan and Ivan C. Morgan, of Austin, Ind., copartners, trading as the Morgan Packing Co., charging shipment by said defendants, in violation of the Food and Drugs Act, from the State of Indiana, on or about October 21, November 7, and December 30, 1919, respectively, into the States of Kansas, Wisconsin, and Missouri, respectively, and on or about February 12 and April 16, 1920, respectively, into the State of Kentucky, of quantities of tomato purée, and on or about October 21, 1919, into the State of Kansas, of a quantity of tomato pulp, all of which were adulterated. The articles were labeled in part, respectively: (Cans) "Scott Co. Brand Tomato Puree Scott County Canned Foods Trade Mark (Picture of Gen. Scott) \* \* \*"; "Carnival Brand Tomato Puree \* \* \*"; and "American Beauty Brand \* \* \* Tomato Pulp \* \* \*".

Analyses of samples of the articles by the Bureau of Chemistry of this department showed the presence of excessive mold.

Adulteration of the articles was charged in the indictment for the reason that they consisted in whole or in part of filthy and decomposed vegetable substances.

On May 8, 1922, the defendants entered pleas of guilty to the indictment, and the court imposed fines in the aggregate sum of \$500 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10555. Misbranding of olive oil. U. S. \* \* \* v. 35 Cans \* \* \* of Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15027. I. S. No. 6974-t. S. No. E-3421.)**

On July 16, 1921, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 35 cans of olive oil, remaining unsold at Red Bank, N. J., alleging that the article had been shipped by the Caserta Importing Co., New York, N. Y., on or about June 10, 1921, and transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Pure Olive Oil \* \* \* Caserta Brand Net Contents Full Quarter Gallon \* \* \*".

Misbranding of the article was alleged in the libel for the reason that the statement, to wit, "Net Contents Full Quarter Gallon," borne upon the cans containing the article, regarding the quantity of the article contained therein, was false and misleading in that the said cans did not each contain a full quarter gallon, to wit, one quart of the article, but contained a less amount, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained a full quarter gallon net of the article, whereas, in truth and in fact, the said cans did not each contain a full quarter gallon net of the article but did contain a less quantity. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the actual net quantity of the contents of the said packages was less than the net quantity marked thereon.

On February 9, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*



**10556. Misbranding of Nonpareil food for hogs and Nonpareil food for stock.** U. S. \* \* \* v. 6 \* \* \* Packages, et al, of Nonpareil Food for Hogs and 10 \* \* \* Packages, et al, of Nonpareil Food for Stock. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 15170, 15171, 15172, 15174, 15175, 15176, 15177, 15178, 15179, 15190, 15191, 15193, 15194, 15195, 15196, 15197, 15198, 15199, 15200. Inv. Nos. 35651 to 35669, inclusive. S. Nos. E-3392, E-3430, E-3431, E-3432, E-3434, E-3435, E-3437, E-3439, E-3440, E-3443, E-3444, E-3445, E-3450, E-3451, E-3452, E-3456.)

On July 21, 1921, the United States attorney for the Western District of Virginia, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district various libels, and thereafter amendments to certain of the said libels, praying the seizure and condemnation of 253 packages of Nonpareil food for hogs and 138 packages of Nonpareil food for stock, remaining unsold in the original unbroken packages at various places in Virginia, alleging that the articles had been shipped by E. T. Bready, Frederick, Md., between the dates January 29 and June 26, 1921, and transported from the State of Maryland into the State of Virginia, and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the food for hogs consisted essentially of wheat middlings, salt, charcoal, sulphur, red pepper, and a bitter drug such as gentian; and that the food for stock consisted essentially of ground wheat products, including a large amount of bran, approximately 12 per cent of salt, approximately 1 per cent of sulphur, charcoal, a bitter drug such as gentian, and an aromatic substance such as anise or fennel.

Misbranding of the food for hogs was alleged in substance in the libels for the reason that the statements regarding the said article, to wit, " \* \* \* Food is prepared from Herbs, Seeds and Roots. It is prepared from purely vegetable ingredients \* \* \* All the ingredients composing this Food are \* \* \* Herbs, Seeds and Roots \* \* \* It contains no Mineral whatever except salt," borne on each of the labels on the packages containing the article, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser in that they represented that the said article was prepared from herbs, seeds, and roots, and that it was prepared from purely vegetable ingredients, and that it contained no mineral except salt, whereas, in fact and in truth, the said article was not prepared from purely vegetable ingredients, all the ingredients composing it were not herbs, seeds, and roots, and it did contain other mineral than salt, namely, sulphur. Misbranding was alleged in substance with respect to both products for the reason that certain statements borne on the respective labels, regarding the curative and therapeutic effects of the said articles, were false and fraudulent in that the said statements represented that the food for hogs would so thoroughly strengthen and invigorate the system that the hog-cholera microbe could not find lodgment and would be thrown off without harm to the animal, that when used as directed it would prevent hog cholera and nearly all swine diseases, that it was a specially prepared food which was a sure preventive of cholera, and that it would prevent hog cholera if fed regularly; and that the food for stock would prevent and cure diseases in all domestic animals, that cows fed on said food would give richer milk, that it would prevent foot and mouth diseases, cholera, etc., that it would keep calves free from scours, that it was a remedy for epizootic in horses, kidney and liver trouble, and influenza in cows, that it would increase the richness of milk, would prevent diseases in cattle, would prevent mange in colts, and would prevent skin diseases and scours, whereas, in truth and in fact, the said articles would not produce the effects claimed in the said statements.

On December 1, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10557. Adulteration and misbranding of horse feed.** U. S. \* \* \* v. International Sugar Feed No. Two Co., a Corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 15584. I. S. No. 12784-t.)

On March 27, 1922, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the International Sugar Feed No. Two Co., a corporation, trading at Memphis, Tenn., alleging shipment by said company, on or about March 19, 1921, in

violation of the Food and Drugs Act, as amended, from the State of Tennessee into the State of Texas, of a quantity of horse feed which was adulterated and misbranded. The article was labeled in part: (Tag) "100-Lbs. Net International Dan Patch Special Horse Feed Manufactured by International Sugar Feed No. Two Co. Memphis, Tenn. \* \* \*"

Examination of the article by the Bureau of Chemistry of this department showed that it was badly heated, caked, musty, and moldy, and that a large part thereof was unfit for feeding purposes; fifteen sacks weighed by the said bureau showed a total gross weight of 1,422 pounds.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed vegetable substance.

Misbranding was alleged for the reason that the statement, "100 Lbs. Net when packed," borne on the sacks containing the article and the statement, to wit, "100 Lbs. Net," borne on the tags attached to the said sacks, regarding the article, were false and misleading in that the said statements represented that each of the said sacks contained 100 pounds net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said sacks contained 100 pounds net of the article, whereas, in truth and in fact, each of the said sacks did not contain 100 pounds net of the said article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 2, 1922, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10558. Adulteration of butter. U. S. \* \* \* v. Homestead Creamery Co., a Corporation. Plea of guilty. Fine, \$5. (F. & D. No. 15843. I. S. No. 10976-t.)**

On February 27, 1922, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Homestead Creamery Co., a corporation, Mitchell, Nebr., alleging shipment by said company, in violation of the Food and Drugs Act, on or about June 21, 1921, from the State of Nebraska into the State of Colorado, of a quantity of butter which was adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed an excess of moisture and a deficiency of butter fat.

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat and which contained excessive added water had been substituted for butter, which the said article purported to be, and for the further reason that a valuable constituent of the article, to wit, milk fat, had been in part abstracted.

On June 12, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$5.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10559. Adulteration of lemons. U. S. \* \* \* v. 406 Boxes \* \* \* of Lemons. Decree by consent providing for release of the product under bond. (F. & D. No. 16396. Inv. No. 42585. S. No. C-3654.)**

On or about June 2, 1922, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 406 boxes of lemons, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Angeles Brokerage Co., Los Angeles, Calif., on or about May 22, 1922, and transported from the State of California into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part, "Lad Brand Imperial Distributing Company, Los Angeles, California." The remainder of the article was labeled in part, "Lassie Brand \* \* \*"

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in large part of a filthy, decomposed, and putrid vegetable substance.

On June 6, 1922, the Sommer Fruit Co., St. Louis, Mo., claimant, having admitted the allegations of the libel and having consented to the entry of a



decree of condemnation and destruction of such portion of the product as was unfit for food, judgment was entered finding the product to have been shipped in violation of the said act, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the good portion be separated from the portion unfit for food and that the bad portion be not sold or otherwise disposed of contrary to law.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10560. Misbranding of cottonseed meal and cottonseed cake. U. S. \* \* \* v. Rufus W. Henderson and Myron C. Stockbridge (Henderson Cotton Oil Co.). Pleas of guilty. Fines, \$100. (F. & D. Nos. 10767, 12352. I. S. Nos. 10827-r, 10870-r, 12033-r.)**

On October 16, 1919, and August 11, 1920, respectively, the United States attorney for the Western District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district informations against Rufus W. Henderson and Myron C. Stockbridge, copartners, trading as the Henderson Cotton Oil Co., Shreveport, La., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, from the State of Louisiana into the State of Kansas, on or about February 19, 1918, and February 22, 1919, respectively, of quantities of cottonseed meal, and on or about December 13, 1918, of a quantity of cottonseed cake, all of which were misbranded.

Analysis of a sample of the cottonseed meal from the consignment of February 19, 1918, by the Bureau of Chemistry of this department, showed that it contained 35.75 per cent of protein and 13.98 per cent of crude fiber. Analysis of a sample of the cottonseed cake by said bureau showed that it contained 37.53 per cent of protein, 13.50 per cent of crude fiber, and 6.00 per cent of nitrogen. Examination of 61 sacks of the cottonseed cake showed that the average net weight thereof was 97.66 pounds.

Misbranding of the cottonseed meal consigned February 19, 1918, and of the cottonseed cake was alleged in substance in the informations for the reason that the statements, to wit, "Protein 38.55%" and "Crude Fibre 12.00%," with respect to the former, and the statements, to wit, "Guaranteed Analysis \* \* \* 99 Lbs. Net Protein 38.55% \* \* \* Crude Fibre 12.00% \* \* \* Equivalent Nitrogen 6.17%," with respect to the latter, borne on the tags attached to the sacks containing the respective articles, regarding the said articles and the ingredients and substances contained therein, were false and misleading in that the said statements represented that both articles contained not less than 38.55 per cent of protein and not more than 12 per cent of crude fiber, that the cottonseed cake contained not less than 6.17 per cent of equivalent nitrogen, and that the sacks containing the said cottonseed cake contained 99 pounds thereof, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they both contained not less than 38.55 per cent of protein and not more than 12 per cent of crude fiber, that the said cottonseed cake contained not less than 6.17 per cent of equivalent nitrogen, and that the sacks containing the said cottonseed cake contained 99 pounds thereof, whereas, in truth and in fact, the said articles did contain less than 38.55 per cent of protein and more than 12 per cent of crude fiber, the cottonseed cake contained less than 6.17 per cent of equivalent nitrogen, and the sacks containing the same did not contain 99 pounds thereof. Misbranding was alleged with respect to the said cottonseed cake and to the cottonseed meal consigned February 22, 1919, for the reason that they were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the said packages.

On May 22, 1922, the defendants entered pleas of guilty to the respective informations, and the court imposed fines in the aggregate sum of \$100.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10561. Adulteration and misbranding of rice bran. U. S. \* \* \* v. Benedict Commission Co., Ltd., a Corporation. Plea of guilty. Fine, \$30. (F. & D. No. 10788. I. S. No. 16229-r.)**

On October 18, 1919, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Benedict Commission Co., Ltd., a corporation, New Orleans, La., alleging ship-



ment by said company, on or about December 3, 1918, in violation of the Food and Drugs Act, as amended, from the State of Louisiana into the State of South Carolina, of a quantity of rice bran which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained added ground rice hulls.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, ground rice hulls, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for bran, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Bran," borne on the sacks containing the article, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the said article was bran, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was bran, whereas, in truth and in fact, the said article was not bran but was a product containing added ground rice hulls. Misbranding was alleged for the further reason that the article was a product containing added ground rice hulls and was prepared in imitation of, and sold under the distinctive name of, another article, to wit, bran; and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 6, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$30.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10562. Adulteration and misbranding of rice bran. U. S. \* \* \* v. John T. Gibbons. Plea of guilty. Fine, \$20. (F. & D. No. 12337. I. S. No. 16157-r.)**

On July 3, 1920, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John T. Gibbons, New Orleans, La., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about December 16, 1918, from the State of Louisiana into the State of North Carolina, of a quantity of rice bran which was adulterated and misbranded. The article was labeled in part: "150 Lbs. Rice Bran J. T. Gibbons, New Orleans, La. \* \* \*."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed it to contain 14.85 per cent of crude fiber, indicating the presence of approximately 6.5 per cent of added hulls.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, rice hulls, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for rice bran, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Rice Bran" and "Guaranteed Analysis \* \* \* Fibre 12.00%," borne on the tags attached to the sacks containing the article, regarding the article and the ingredients and substances contained therein, were false and misleading in that they represented that the said article was rice bran and that it contained not more than 12 per cent of fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was rice bran and that it contained not more than 12 per cent of fiber, whereas, in truth and in fact, it was not rice bran but was a mixture composed in part of rice hulls, and it did contain more than 12 per cent of fiber, to wit, approximately 14.85 per cent of fiber. Misbranding was alleged for the further reason that the article was a mixture composed in part of rice hulls, prepared in imitation of, and sold under the distinctive name of, another article, to wit, rice bran.

On December 9, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$20.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10563. Misbranding of Brodie cordial. U. S. \* \* \* v. I. L. Lyons & Co., Ltd., a Corporation. Plea of guilty. Fine, \$20. (F. & D. No. 13232. I. S. No. 6787-r.)**

On June 21, 1921, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the

District Court of the United States for said district an information against I. L. Lyons & Co., Ltd., a corporation, New Orleans, La., alleging shipment by said company, on or about January 11, 1919, in violation of the Food and Drugs Act, as amended, from the State of Louisiana into the State of Mississippi, of a quantity of Brodie cordial which was misbranded. The article was labeled in part: "Brodie Cordial \* \* \* I. L. Lyons & Co., Ltd., Sole Proprietors \* \* \* New Orleans \* \* \*."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a hydroalcoholic sirup containing catechu, tannin, and small amounts of morphine, flavored with oil of peppermint and oil of cinnamon.

Misbranding of the article was alleged in substance in the information for the reason that certain statements, designs, and devices regarding the therapeutic and curative effects of the said article, appearing on the labels of the bottles and cartons containing the said article and in the accompanying circulars, falsely and fraudulently represented it to be effective as a treatment, remedy, and cure for cholera, dysentery, bloody flux, cramps, flatulence, colic, cholera infantum, cholera morbus, and all bowel troubles, and effective as a treatment, remedy, and cure for chicken cholera and all bowel disorders of chickens, ducks, turkeys, and pigeons, when, in truth and in fact, it was not.

On December 6, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$20.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10564. Adulteration of canned blackberries. U. S. \* \* \* v. 99 Cases \* \* \* of Blackberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14634. I. S. No. 1125-t. S. No. C-2871.)**

On March 17, 1921, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 99 cases of blackberries, remaining unsold at Council Bluffs, Iowa, alleging that the article had been shipped by the Puyallup & Sumner Fruit Growers Canning Co., Puyallup, Wash., October 5, 1920, and transported from the State of Washington into the State of Iowa, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Famous Puyallup Brand Solid Pack Water Blackberries \* \* \* Packed By Puyallup & Sumner Fruit Growers Canning Co. Canneries At Sumner and Puyallup, Wash. Albany, Oregon."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On November 8, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10565. Misbranding of cottonseed cake. U. S. \* \* \* v. Gonzales Cotton Oil & Mfg. Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 14938. I. S. No. 11655-t.)**

On July 30, 1921, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Gonzales Cotton Oil & Mfg. Co., a corporation, Gonzales, Tex., alleging shipment by said company, on or about October 29, 1920, in violation of the Food and Drugs Act, as amended, from the State of Texas into the State of Kansas, of a quantity of cottonseed cake which was misbranded. The article was labeled in part: "100 Pounds (Net) Ordinary Cottonseed Cake Manufactured by Gonzales Cotton Oil & Manufacturing Co., Gonzales, Texas."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained approximately 40.17 per cent of crude protein. Examination by said bureau of 50 sacks from the consignment showed that the average gross weight thereof was 97.64 pounds, and that the average net weight was 97.02 pounds.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "100 Pounds (Net)" and "Guaranteed Analysis: Crude Protein not less than 43.00 Per Cent," borne on the tags attached to the sacks

containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that each of the said sacks contained 100 pounds net of the article and that the article contained not less than 43 per cent of crude protein, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said sacks contained not less than 100 pounds net of the article and that said article contained not less than 43 per cent of crude protein, whereas, in truth and in fact, each of the said sacks did not contain 100 pounds net of the article, but did contain a less amount, and the said article did contain less than 43 per cent of crude protein, to wit, approximately 40.79 per cent of crude protein. Misbranding was alleged for the further reason that the article was food in package form, and the [quantity of the] contents was not plainly and conspicuously marked on the outside of the package.

On December 19, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10566. Misbranding of cottonseed cake. U. S. \* \* \* v. Wichita Falls Cotton Oil Co., a Corporation. Plea of guilty. Fine, \$25. (F. & D. No. 14053. I. S. No. 12017-r.)**

On October 31, 1921, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Wichita Falls Cotton Oil Co., a corporation, Wichita Falls, Tex., alleging shipment by said company, on or about November 17, 1919, in violation of the Food and Drugs Act, as amended, from the State of Texas into the State of Kansas, of a quantity of cottonseed cake which was misbranded. The article was labeled in part: "100 Pounds (Net) Ordinary Cottonseed Cake Manufactured by Wichita Falls Cotton Oil Company, Wichita Falls, Texas \* \* \*."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 41.12 per cent of crude protein. Examination of 50 sacks by said bureau showed that the average gross weight thereof was 96.86 pounds, and that the average net weight was 96.17 pounds.

Misbranding of the article was alleged in the libel for the reason that the statements, to wit, "100 Pounds (Net)" and "Guaranteed Analysis: Crude Protein not less than 43.00 Per Cent," borne on the tags attached to the sacks containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that each of the said sacks contained 100 pounds net of the article, and that it contained not less than 43 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said sacks contained 100 pounds net of the article, and that it contained not less than 43 per cent of protein, whereas, in truth and in fact, each of the said sacks did not contain 100 pounds net of the said article but did contain a less amount, and the said article did contain less than 43 per cent of protein, to wit, 41.12 per cent of protein. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 19, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10567. Adulteration of shell eggs. U. S. \* \* \* v. John R. Huie. Plea of guilty. Fine, \$10. (F. & D. No. 14340. I. S. No. 446-t.)**

On September 12, 1921, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John R. Huie, Odell, Tex., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about April 29, 1920, from the State of Texas into the State of Oklahoma, of a quantity of shell eggs which were adulterated. The article was labeled in part: "From J. R. Huie, Odell, Texas \* \* \*."

Examination, by the Bureau of Chemistry of this department, of the 360 eggs involved in the consignment showed the presence of 109, or 30.27 per cent, in-



edible eggs, consisting of black rots, white or mixed rots, moldy eggs, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in part or in whole of a filthy, decomposed, and putrid animal substance.

On September 16, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10568. Adulteration of shell eggs. U. S. \* \* \* v. The White Produce Co., a Corporation (Panhandle Produce Co.). Plea of guilty. Fine, \$25. (F. & D. No. 15589. I. S. Nos. 2001-t, 2006-t.)**

On February 3, 1922, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the White Produce Co., a corporation, trading as the Panhandle Produce Co., Plainview, Tex., alleging shipment by said company, in violation of the Food and Drugs Act, on or about July 16 and 20, 1921, respectively, from the State of Texas into the State of Kansas, of quantities of shell eggs which were adulterated. The article was labeled in part: "Panhandle Produce Co. Plainview, Texas \* \* \*."

Examination, by the Bureau of Chemistry of this department, of 360 eggs from the consignment of July 16, showed the presence of 36, or 10 per cent, inedible eggs, consisting of black rots and mixed or white rots; examination by said bureau of 1,080 eggs from the remaining consignment showed the presence of 136, or 12.59 per cent, inedible eggs, consisting of black rots, mixed or white rots, moldy eggs, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On March 17, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10569. Adulteration of shell eggs. U. S. \* \* \* v. Curtis R. Wilkinson (Lockney Produce Co.). Plea of guilty. Fine, \$10. (F. & D. No. 15842. I. S. Nos. 2007-t, 3399-t, 3400-t.)**

On February 28, 1922, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Curtis R. Wilkinson, trading as the Lockney Produce Co., Lockney, Tex., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 12, 15, and 19, 1921, respectively, from the State of Texas into the State of Kansas, of quantities of shell eggs which were adulterated. The article was labeled in part: "From Lockney Produce Company \* \* \* Lockney, Texas."

Examination, by the Bureau of Chemistry of this department, of a sample from each of the consignments showed the following results:

Consignment.....	July 12	July 15	July 19
Number of eggs examined.....	1,080	720	2,160
Black rots.....	12	36	48
Mixed or white rots.....	255	117	360
Moldy.....	18	15	12
Spot rots.....	8	12	48
Blood rings, heavy.....	12	36	156
Mixed rots.....	75		
Total inedible eggs.....	380	216	624
Per cent of inedible eggs.....	35.18	30	28.88

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed and putrid animal substance.

On June 4, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10570. Misbranding of Anti-Pneumonia. U. S. \* \* \* v. 5 Packages, et al, of \* \* \* Anti-Pneumonia. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 13787. I. S. No. 3907-t. S. No. C-2556.)

On October 15, 1920, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 packages, No. 2, 5 packages, No. 3, and 2 packages, No. 4, of Anti-Pneumonia, at Ottumwa, Iowa, alleging that the article had been shipped by John B. Cox, Maryville, Mo., on or about February 19, 1920, and transported from the State of Missouri into the State of Iowa, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained tar, clay, and boric acid.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements regarding the curative and therapeutic effects of the said article were false and fraudulent, since it did not contain any ingredient or combination of ingredients capable of producing the effects claimed: (Can label) "Anti-Pneumonia An External Remedy for Pneumonia, Bronchitis, Congestion of the Lungs, Typhoid Fever, Tonsillitis, Diphtheria, Acute Inflammatory, Articular Rheumatism \* \* \*"; (carton) "Anti-Pneumonia An External Remedy for Pneumonia, Bronchitis, Congestion of the Lungs, Typhoid Fever, Tonsillitis, Diphtheria, Acute Inflammatory, Articular Rheumatism, La-Grippe, Croup, suppressed menstruation, and all inflammatory conditions. \* \* \* The best remedy ever discovered for tuberculosis, if taken in time and enough applications used. \* \* \* the most efficacious antagonist of pneumonia fever. All forms of tuberculosis can be greatly helped by Anti-Pneumonia. Anti-Pneumonia has been known to bring relief to patients, suffering from pneumonia fever, in fifteen minutes, and has always brought relief in less than an hour and a half. It reduces the temperature quickly, and usually drives out the fever entirely in less than six hours, thus making possible a speedy and sure recovery. \* \* \* no uneasiness need be entertained as to the result \* \* \*"; (small circular) "Anti-Pneumonia Directions for Pneumonia. In Pneumonia \* \* \* bronchitis, congestion of the lungs, croup, diphtheria, la grippe, lumbago, carbuncle, pleurisy, and headlitis, \* \* \* for all lung cases \* \* \* in Pneumonia; at least two applications should be used, after fever is broken, to remove all inflammation and heal the bronchials and lungs. To prevent patient from going into tuberculosis, \* \* \* tonsillitis, \* \* \* For all other diseases use as for pneumonia. \* \* \*"; (large circular) "Anti-Pneumonia An External Remedy for Pneumonia, Bronchitis, Congestion of the Lungs, Typhoid Fever, Tonsillitis, Diphtheria, Whooping Cough, Acute Inflammatory Articular Rheumatism. \* \* \* one of the world's greatest discoveries \* \* \* The Name, 'Anti-Pneumonia,' means all that it implies. The ingredients of this external remedy are directly opposed to Inflammatory conditions, and especially Pneumonia Fever. \* \* \* It was never offered to the public until it had reached the height of perfection, and a great number of test cases were absolutely cured. The remedy has been on the market for more than six years. During this time, each and every patient known to me, recovered completely and rapidly, \* \* \* measles \* \* \* the remedy for all lung troubles and inflammation. \* \* \* lameness and pleurisy \* \* \* La Grippe \* \* \* no uneasiness need be entertained as to the result. \* \* \* The amount necessary to break Pneumonia Fever is determined by the size of the patient. \* \* \* The successful use of Anti-Pneumonia in Pneumonia Fever cases. \* \* \* pneumonia \* \* \* it does all that is claimed for it \* \* \* I had a very bad attack of lung trouble and the Doctor said I was taking tuberculosis and advised me to go West. I came to Maryville and got one large size can of your preparation and can gladly say I have no more sore lungs. It has been now two years and I am on the road every day, good or bad weather. I wish everyone with lung trouble would try it as I know it would cure anything that is curable. \* \* \* Keep it in the house ready to use and \* \* \* save a life. \* \* \* Use Anti-Pneumonia for Tuberculosis and all Lung Troubles, and all Inflammations. \* \* \* I am writing for more of your great Anti-Pneumonia cure as we have had several very bad cases of Pneumonia and it hasn't failed. \* \* \* Spanish Influenza. \* \* \* My girl eleven years old had the measles last spring and took pneumonia with it, and her lungs were filling up fast. \* \* \*



it broke it up in 25 minutes. \* \* \* It is good for inflammation of the bowels. \* \* \* Pneumonia cure. \* \* \* Pneumonia Fever \* \* \* has never failed in a single instance. For Pneumonia and kindred ailments it has proven to be a sovereign remedy. \* \* \* an absolute specific for Pneumonia and kindred troubles \* \* \* Pneumonia cure. \* \* \* it has saved lots of cases \* \* \*"

On October 21, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10571. Misbranding of Euca-Mul. U. S. \* \* \* v. 287 Bottles \* \* \* et al. of Euca-Mul \* \* \*. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14257, 14258, 14259. Inv. Nos. 30451, 30452, 30453, 30454, 30455, 30456, 30457. S. Nos. C-2745, C-2746, C-2747.)**

On January 31, 1921, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 1,504 bottles, 2½-ounce size, and 68 bottles, 16-ounce size, of Euca-Mul, remaining unsold in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by the E. G. Binz Co., Los Angeles, Calif., between the dates February 3 and November 3, 1920, and transported from the State of California into the State of Wisconsin, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (2½-ounce bottles) " \* \* \* Immediate Relief in \* \* \* Asthma, Croup, Pneumonia, Whooping Cough, Consumption and any Lung or Throat Trouble \* \* \* excellent for all Chronic Throat and Lung troubles. It builds up resisting power in patient, controls the cough \* \* \*"; (16-ounce bottles) " \* \* \* In Croup \* \* \* Bronchial Asthma, Tuberculosis, Whooping Cough And Other Throat And Lung Affections \* \* \* relieves \* \* \* bronchial asthma. Especially effective in cough of phthisis and Whooping Cough \* \* \*"; (circular accompanying both sized bottles) "Will \* \* \* relieve any kind of cough; will relieve all chronic coughs, and will arrest paroxysms in whooping cough; \* \* \* For Whooping Cough \* \* \* Use \* \* \* and \* \* \* you will control the whooping cough in a short time. Consumption. In this trouble, use Euca-Mul \* \* \* for the effect in the disease, regardless of the cough, \* \* \* Asthma. This disease should be treated with Euca-Mul \* \* \* Croup \* \* \* Euca-Mul will be appreciated in this disease. \* \* \* The persistent use of Euca-Mul brings the best result. \* \* \*"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of an emulsion of eucalyptus oil, reducing sugar, glycerin, gum, alcohol, and water.

Misbranding of the article was alleged in substance in the libels for the reason that the above-quoted statements appearing on the labels of the bottles containing the said articles and in the accompanying circulars were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On July 27, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10572. Adulteration of shell eggs. U. S. \* \* \* v. Charles B. Ater. Plea of guilty. Fine, \$25. (F. & D. No. 14554. I. S. No. 10227-t.)**

On May 12, 1921, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Charles B. Ater, Shaffer, Kans., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 12, 1920, from the State of Kansas into the State of Colorado, of a quantity of shell eggs which were adulterated. The article was labeled in part, " \* \* \* From Chas. B. Ater, General Merchandise, Shaffer, Kansas \* \* \*."

Examination, by the Bureau of Chemistry of this department, of 720 eggs from the consignment showed the presence of 65, or 9.02 per cent, inedible eggs, consisting of black rots, mixed or white rots, moldy eggs, and spot rots.



Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On September 26, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10573. Misbranding of Kuhn's rheumatic remedy. U. S. \* \* v. 18 Bottles, et al, of Kuhn's Rheumatic Remedy \* \* \*. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14609, 14610, 14611. Inv. Nos. 30463, 30464, 30465. S. Nos. C-2856, C-2857, C-2858.)**

On March 15, 1921, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 81 bottles of Kuhn's rheumatic remedy, remaining unsold in the original unbroken packages, in part at Milwaukee, Wis., and in part at Fond du Lac, Wis., alleging that the article had been shipped by the Kuhn Remedy Co., Chicago, Ill., on or about November 9, 1920, and January 20 and 28, 1921, respectively, and transported from the State of Illinois into the State of Wisconsin, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottles and cartons) " \* \* \* Rheumatic Remedy \* \* \* Rheumatism, Neuralgia, Lumbago, Sciatica or Gout \* \* \* "

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of iodine, potassium iodide, plant extractives, sugar, aromatics, alcohol, and water.

Misbranding of the article was alleged in substance in the libels for the reason that the labels on the bottles and cartons containing the article bore the above-quoted statements which were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the curative or therapeutic effects claimed.

On July 20, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10574. Adulteration and misbranding of Almanaris Waukesha water. U. S. \* \* \* v. Almanaris Mineral Spring Co., a Corporation. Plea of guilty. Fine, \$10. (F. & D. No. 14723. I. S. No. 4112-t.)**

On June 6, 1921, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Almanaris Mineral Spring Co., a corporation, Waukesha, Wis., alleging shipment by said company, in violation of the Food and Drugs Act, on or about July 14, 1920, from the State of Wisconsin into the State of Indiana, of a quantity of Almanaris water which was adulterated and misbranded. The article was labeled in part: (Bottle) "A Pure Soft And Palatable Drinking Water \* \* \* Almanaris Waukesha Water \* \* \* Waukesha, Wis., U. S. A. \* \* \* Bottled At Almanaris Spring."

Examination of a sample of the article by the Bureau of Chemistry of this department showed that the water was polluted.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

Misbranding was alleged for the reason that the statement regarding the article, labeled on the bottles containing the said article, to wit, "A Pure Drinking Water," was false and misleading and represented to the purchaser thereof that the said article was pure and wholesome and unpolluted, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser thereof into the belief that it was a pure and unpolluted mineral water, whereas, in truth and in fact, it was not pure and unpolluted but was polluted by the presence of bacteria of fecal origin.

On January 24, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10575. Adulteration of shell eggs. U. S. \* \* \* v. Pius Leiker, Jr. (with others trading as P. Leiker & Sons). Plea of guilty. Fine, \$10 and costs. (F. & D. No. 14727. I. S. No. 10153-t.)**

On June 1, 1921, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Pius Leiker, Jr., a member of a partnership trading as P. Leiker & Sons, at Park, Kans., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 31, 1920, from the State of Kansas into the State of Colorado, of a quantity of shell eggs which were adulterated. The article was labeled in part: "\* \* \* From P. Leiker & Sons, Park, Kans. \* \* \*."

Examination, by the Bureau of Chemistry of this department, of 900 eggs from the consignment showed the presence of 167, or 18.5 per cent, inedible eggs, consisting of black rots, mixed or white rots, moldy eggs, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On October 10, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10576. Adulteration of Anderson's Waukesha water. U. S. \* \* \* v. William H. Anderson. Plea of guilty. Fine, \$10. (F. & D. No. 15063. I. S. Nos. 1349-t, 2318-t.)**

On October 27, 1921, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William H. Anderson, Waukesha, Wis., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about August 6 and October 29, 1920, respectively, from the State of Wisconsin into the State of Illinois, of quantities of Anderson's Waukesha water which was adulterated. The article was labeled in part: (Bottle) "Genuine Anderson's Waukesha Water \* \* \* Natural Mineral Water W. H. Anderson Proprietor \* \* \*."

Examination of samples of the article by the Bureau of Chemistry of this department showed that the water was polluted.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed animal or vegetable substance.

On January 24, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10577. Misbranding of sirups. U. S. \* \* \* v. 40 Cases, et al, of Crystal White, 8 Cases, et al, of Maple Flavor, and 35 Cases, et al, of Golden Sirup. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15106. I. S. Nos. 3476-t, 3477-t, 3479-t, 3480-t. S. No. C-3085.)**

On July 13, 1921, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 105 cases of Crystal White sirup, 25 cases of maple flavor sirup, and 165 cases of Golden sirup, remaining unsold in the original unbroken packages at Green Bay, Wis., alleging that the articles had been shipped by Penick & Ford, New Orleans, La., April 15, 1921, and transported from the State of Louisiana into the State of Wisconsin, and charging misbranding in violation of the Food and Drugs Act, as amended. The articles were labeled in part, respectively: (Cans) "Penick Syrup Crystal White \* \* \* Net Weight 10 Pounds (or "5 Pounds" or "1½ Pounds") \* \* \* Penick & Ford, Ltd., New Orleans \* \* \*"; "Penick Syrup Maple Flavor \* \* \* A Compound Of Corn Syrup, Sugar Syrup And Imitation Maple Flavor Net Weight 5 Pounds (or "1½ Pounds") \* \* \*"; "Penick Syrup Golden \* \* \* Net Weight 1½ Pounds (or "5 Pounds," "10 Pounds," or "2½ Pounds") \* \* \*."

Misbranding of the articles was alleged in substance in the libel for the reason that the statements on the respective labels, "Net Weight 10 Pounds," "Net Weight 5 Pounds," "Net Weight 2½ Pounds," and "Net Weight 1½ Pounds," and the statement on the alleged maple flavor, "Maple Flavor," not corrected by the statement at the bottom of the label, "A Compound Of Corn Syrup, Sugar Syrup and Imitation Flavor," were false and misleading and



deceived and misled the purchaser. Misbranding was alleged in substance for the further reason that the articles were [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the respective packages, since the amount stated was incorrect.

On July 20, 1921, Penick & Ford, Ltd., Inc., New Orleans, La., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10578. Adulteration of catsup. U. S. \* \* \* v. 167 Cases \* \* \* of Catsup. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 15220. I. S. No. 13-t. S. No. C-3129.)

On July 22, 1921, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 167 cases of catsup, at Davenport, Iowa, alleging that the article had been shipped by the Thomas Canning Co., Grand Rapids, Mich., May 16 and 17, 1921, respectively, and transported from the State of Michigan into the State of Iowa, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Royal Kitchen Tomato Catsup \* \* \* Packed by Thomas Page, Albion, N. Y."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On October 7, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10579. Misbranding of butter. U. S. \* \* \* v. The Merritt-Schwier Creamery Co., a Corporation. Plea of guilty. Fine, \$25.** (F. & D. No. 15857. I. S. No. 10819-t.)

On April 14, 1922, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Merritt-Schwier Creamery Co., a corporation, Great Bend, Kans., alleging shipment by said company, on or about June 1, 1921, in violation of the Food and Drugs Act, as amended, from the State of Kansas into the State of Colorado, of a quantity of butter which was misbranded.

Examination, by the Bureau of Chemistry of this department, of 60 packages from the consignment showed that the average net weight was 15.16 ounces, a shortage from the declared weight of 0.84 ounce, or 5.25 per cent.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "1 Lb. Net Weight," borne on the packages containing the article, regarding the said article, was false and misleading in that it represented that each of the said packages contained 1 pound net weight of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained 1 pound net weight of the article, whereas, in truth and in fact, each of the said packages did not contain 1 pound net weight of the said article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 24, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10580. Misbranding of Texas Wonder. U. S. \* \* \* v. 17 Bottles of Texas Wonder. Default decree ordering confiscation and destruction of the product.** (F. & D. No. 11532. I. S. No. 9181-r. S. No. C-1607.)

On December 9, 1919, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 17 bottles of Texas Wonder, at Greenwood, Miss., alleging that



the article had been shipped by E. W. Hall, St. Louis, Mo., August 22, 1919, and transported from the State of Missouri into the State of Mississippi, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton) " \* \* \* The Texas Wonder, for Kidney and Bladder Troubles, Diabetes, Weak and Lame Backs, Rheumatism and Gravel. Regulates Bladder Trouble in Children"; (circular, testimonial of Louis A. Portner, St. Louis, Mo.) " \* \* \* began using The Texas Wonder for stone in the kidneys, inflammation of the bladder and tuberculosis of the kidneys \* \* \* His urine contained 40% pus. \* \* \* was still using the medicine with wonderful results, and his weight had increased \* \* \* "

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of copaba, gualac resin, extracts of rhubarb and colchicum, an oil similar to turpentine oil, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements on the carton containing the article and in the said testimonial were false and fraudulent, in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On February 4, 1920, no claimant having appeared for the property, judgment of the court was entered ordering that the product be confiscated and destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10581. Misbranding of Job Moses female pills. U. S. \* \* \* v. 30 Packages and 67 Packages of \* \* \* Job Moses Female Pills. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 13678, 13808. I. S. Nos. 10331-f, 10478-t. S. Nos. W-768, W-780.)**

On September 11 and October 23, 1920, respectively, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 97 packages of Job Moses female pills, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped in part by the Eastern Drug Co., on or about November 28, 1919, and in part by the Western Drug Co., on or about July 12, 1920, from Boston, Mass., and transported from the State of Massachusetts into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills contained an iron compound, aloes, and peppermint oil.

Misbranding of the article was alleged in substance in the libels for the reason that it was labeled in part as follows, (bottle label and wrapper) " \* \* \* Female Pills \* \* \* " (circular) " \* \* \* Female Pills \* \* \* good for many \* \* \* painful and dangerous disorders to which the Female \* \* \* is subject. \* \* \* They moderate excessive menstruation and relieve suppressed menstruation \* \* \* During \* \* \* the 'turn of life' \* \* \* they help to allay fevers and inflammations. \* \* \* To those suffering from Uterine Weakness they are with confidence recommended. \* \* \* it help can only be expected by perseverance in using the pills. \* \* \* it generally takes from two to four months before decided results may be obtained. \* \* \* In \* \* \* cases of Leucorrhœa (the whites), Amenorrhœa (suppressed menses), Menorrhagia (immoderate flow of the menses), Dysmenorrhœa (painful menstruation), \* \* \* speedy relief may be expected. In many Nervous and Spinal Affections, Pains in the Back and Lower Parts of the Body, Heaviness, Fatigue on Slight Exertion, Palpitation of the Heart, Hysteria, Sick Headache, Giddiness, and various distressing complaints produced by a disordered system, they should effect good results. \* \* \* diseased condition of the Womb, \* \* \* persistent use of the genuine Pills may soon remove the inflammation, \* \* \* 'Do not be discouraged if you are not speedily relieved, but persevere steadily in the use of the Pills,' " which statements appearing in the said label and circular were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On May 9, 1921, and June 22, 1922, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10582. Misbranding of Dr. Cheeseman's female regulating pills. U. S. \* \* \* v. 10 Packages of \* \* \* Dr. Cheeseman's Female Regulating Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13862. I. S. No. 10480-t. S. No. W-791.)**

On November 12, 1920, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on November 18, 1920, an amended libel, praying the seizure and condemnation of 10 packages of Dr. Cheeseman's female regulating pills, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by E. J. Barry, from New York, N. Y., on or about May 18, 1918, and transported from the State of New York into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills contained aloes and iron sulphate.

It was alleged in substance in the libel that the article was misbranded in that it was labeled in part on the carton and in the accompanying circulars, as follows, (carton) " \* \* \* Female Regulating Pills \* \* \*," (small circular) (English and German) " \* \* \* Female Regulating Pills. In case of Obstruction of long standing, \* \* \* continue \* \* \* until a cure is effected. \* \* \* In recent cases of Obstruction, \* \* \* commence by two of these pills at night upon going to bed, continuing them until their end is answered. \* \* \* When Obstruction is apprehended, \* \* \* seldom fails of restoring nature to its proper channel. In cases of Impotence or Barrenness, Seminal Weakness, Gleet, Whites, and all diseases arising from a relaxed state of the genital organs, whether the result of disease, injuries or consequences of youthful indiscretion, or indulgence of the passions in riper years, they are equally beneficial. \* \* \* A little perseverance in their use seldom fails of effecting a perfect restoration to health. \* \* \* obstinate cases of Obstruction. \* \* \*," (large circular) " \* \* \* for the miseries endured by those of our female friends who cannot enjoy the benefits of regularity. A specific was wanting to cover this ground, and it was found by Dr. C. L. Cheeseman, \* \* \* his famous pills for females. \* \* \* possess all the safe and certain powers requisite to allay all sufferings connected with the womb and its dependencies, and that it will, if used strictly according to his directions, conquer every disease incidental to the life of every female—whether married or single—whether she has just emerged from her cradle, is a wife or a widow, or is ready to step into a grave on account of old age. \* \* \* a specific remedy, and \* \* \* they are the only certain curative known to the world. \* \* \* Dr. Cheeseman's pills are designed to check and do away with irregularities. From obstructions of the monthly function a host of the most harrowing troubles arise, not the least of which are constant nausea during the severest period of the infliction, headache of a violent type, extreme and tormenting nervousness, a tendency to apoplexy, increase of bile beyond the natural volume, hysteria, racking pains, giddiness, uncertain state of the urine, corrugated skin, sallow and repulsive complexion, furred tongue and fetid breath, varicose veins, general debility, loss of the hair, decay and aching of the teeth, glandular swellings, spasms, fits, etc., etc. These are but a tithe of the miseries irregularities in the operations of the monthly period are sure to produce in the systems of either the married or the single. There are some who are always afflicted by too heavy a menstrual flow. These persons are always in extreme danger. If these irregularities—whether manifested by obstruction or over-flow—are the results of accidental circumstances, or the consequences of constitutional discrepancies or misfortunes—if they are hereditary or of recent date—the ultimate consequences are equally disastrous. The pills of Dr. Cheeseman have always cured every case to which they have been applied. They have never been administered, even where the directions have not been faithfully followed, without at once producing a marked change for the better, and they have invariably triumphed, notwithstanding the extremest obstinacy of the affliction. \* \* \* His pills are designed for the obviation of the fatal consequences (either direct or remote) of the suppression, or too great activity of menstruation. They are meant to be the sure guide to Menstrual Regularity. With this, a woman, whether young or old, married or single, can always be positive of the possession of sound general health, and can laugh to scorn the ailments to which ignorant and indolent invalids chain themselves, like Ixion to the wheel, or Prometheus to the rock. Procure regularity, and you have, ladies, good health in all its delightful phases. Irregularity of the monthly



period is a disease more destructive of the health, happiness and beauty of the female than any other. If it leads to the whites, you suffer everything a little short of death, and eventually it comes to that. \* \* \* Dr. C. L. Cheeseman's pills for females have so often eradicated this dreadful scourge in a few days, and so many records exist of their infallibility in that particular, that it seems nearly useless to proclaim the news. \* \* \* Dr. Cheeseman's pills \* \* \* restore the female to complete health \* \* \* 'Dr. Cheeseman's Pills for Females' are designed as a panacea \* \* \* After having been cured by a limited course of these pills, it is the easiest thing possible to keep regular. It is then that one or two of the pills will destroy the slightest tendency to a return of the old symptoms. Annexed are a few jottings expressive of the good these pills have done with the severest and most desperate cases of illness arising from a disorganization of the procreative organs and dependent functions in females. A lady in New Orleans, aged 31, had been afflicted with occasional obstructions for more than 12 years. \* \* \* Three boxes of C. L. Cheeseman's pills restored her to health \* \* \* 'All my acquaintances are more or less afflicted by those obstructions which form the curse of both married and single life. I have recently been troubled in the same way. My acquaintances said that your pills formed the only medicine which could cure me. \* \* \*,' ' \* \* \* nothing \* \* \* equal to Dr. Cheeseman's pills, \* \* \* They are \* \* \* Efficient. \* \* \*,' Two ladies in Detroit, Michigan, \* \* \* were constitutionally afflicted by obstructions. \* \* \* Dr. Cheeseman's pills cured them, \* \* \* irregularity \* \* \* Cured in six weeks. \* \* \* A girl \* \* \* was treated four years for epilepsy. An aunt \* \* \* discovered that the reason of her having epilepsy was obstruction. \* \* \* She recommended the use of his pills. \* \* \* The girl has never had an attack since. \* \* \* A widow lady of Montreal, Canada, was reduced to the verge of the grave by a total stoppage of the period. \* \* \* The first box cured her. \* \* \* induce with certainty periodical regularity. \* \* \*," which statements appearing on the said carton and in the said circulars were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On May 9, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10583. Adulteration and misbranding of catsup. U. S. \* \* \* v. 993 Cases of Catsup \* \* \*. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14831. I. S. Nos. 4183-t, 4187-t. S. No. C-2902.)**

On May 11, 1921, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 993 cases of tomato catsup, remaining unsold in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by Thomas Page, Albion, N. Y., December 20, 1920, and transported from the State of New York into the State of Wisconsin, and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Page Brand Tomato Catsup, Net Weight 10 Oz. Avd. \* \* \* Packed By Thomas Page, Albion, N. Y. \* \* \*." The remainder of the article was labeled in part: "Royal Kitchen Brand Tomato Catsup \* \* \*." The latter also contained the statement, "Contents 8 Oz.," with rubber stamp impression "10 Oz." placed over it.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance.

Misbranding of the product labeled "Royal Kitchen Brand" was alleged for the reason that it was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 20, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*



**10584. Misbranding of alimentary paste. U. S. \* \* \* v. 24 Cases of Alimentary Paste. Default decree ordering destruction of the product.** (F. & D. No. 15039. I. S. No. 10881-t. S. No. W-975.)

On or about July 6, 1921, the United States attorney for the District of Nevada, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 24 cases of alimentary paste, at Reno, Nev., alleging that the article had been shipped by the Columbus Mercantile Co., San Francisco, Calif., on or about March 28, 1921, and transported from the State of California into the State of Nevada, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Quality Columbus Flour Macaroni \* \* \*."

Misbranding of the article was alleged in substance in the libel for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of each case, in that the quantity stated thereon was not the correct amount contained in said cases.

On November 20, 1921, no claimant having appeared for the property, judgment of the court was entered ordering that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10585. Adulteration and misbranding of oranges. U. S. \* \* \* v. 396 Boxes of Oranges \* \* \*. Decree ordering release of the product under bond, to be reconditioned.** (F. & D. No. 15783. I. S. No. 11249-t. S. No. W-1056.)

On March 17, 1922, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 396 boxes of oranges, at Seattle, Wash., alleging that the article had been shipped by the Fred R. Bright Co., from Los Angeles, Calif., on or about March 6, 1922, and transported from the State of California into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Net Count 216 Pine Rock Brand C. C. A. Packing Co., Los Angeles, Calif."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

Misbranding was alleged for the reason that the article was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 20, 1922, the Fred R. Bright Co., Los Angeles, Calif., claimant, having agreed to recondition the product under the supervision of this department and to pay the costs of the proceedings, and having filed a bond in the sum of \$500, in conformity with section 10 of the act, judgment of the court was entered ordering that the product be delivered to the said claimant.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10586. Adulteration of oranges. U. S. \* \* \* v. 462 Boxes \* \* \* of Oranges. Decree entered ordering release of product under bond and providing, by consent of claimant, for condemnation and destruction of portion unfit for food.** (F. & D. No. 15972. I. S. No. 4342-t. S. No. C-3427.)

On February 6, 1922, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 462 boxes of oranges, consigned January 22, 1922, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Fay Fruit Co., from Upland, Calif., and transported from the State of California into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Fox Brand Trade Mark \* \* \* Associated Orange Distributors, California." The remainder of the article was labeled in part: "Trophy Brand Trade Mark \* \* \* Fay Fruit Co., California."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in large part of a filthy, decomposed, and putrid vegetable substance.

On February 11, 1922, the Fay Fruit Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree for

the condemnation and destruction of the portion of the product unfit for food, judgment of the court was entered ordering the release of the said product to the claimant, upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10587. Adulteration of vinegar. U. S. \* \* \* v. National Vinegar Co., a Corporation. Pleas of guilty. Fines, \$75 and costs. (F. & D. Nos. 15987, 15988. I. S. Nos. 1347-t, 2325-t, 3204-t.)**

On May 4, 1922, the United States attorney for the Eastern District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district two informations against the National Vinegar Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about April 28, 1920, from the State of Missouri into the State of Arkansas, of a quantity of sugar and distilled vinegar, and on or about August 28 and September 27, 1920, respectively, from the State of Missouri into the State of Illinois, of quantities of cider vinegar, all of which were adulterated. The articles were labeled in part, respectively: "Golden West Brand \* \* \* Sugar & Distilled Vinegar \* \* \*"; " \* \* \* Cider Vinegar \* \* \* Made In St. Louis"; and " \* \* \* Owl Brand 47 Cider Vinegar \* \* \*."

Analysis of a sample of the Golden West brand by the Bureau of Chemistry of this department showed that it was a mixture of colored distilled vinegar and commercial acetic acid. Analyses of samples of the so-called cider vinegar by said bureau showed that the portion consigned September 27, 1920, was a mixture of distilled vinegar and still residue and that the portion consigned August 28, 1920, was not a straight cider vinegar.

Adulteration of the articles was alleged in substance in the informations for the reason that a mixture composed of distilled vinegar and commercial acetic acid, artificially colored, or a mixture of distilled vinegar and still residue, or a vinegar or vinegars other than cider vinegar, as the case might be, had been mixed and packed with the respective articles so as to lower and reduce and injuriously affect their quality and had been substituted in part for sugar and distilled vinegar, or for cider vinegar, as the case might be, which the said articles purported to be. Adulteration was alleged with respect to the so-called "Sugar and Distilled Vinegar" for the further reason that it was a product inferior to sugar and distilled vinegar, to wit, a mixture of distilled vinegar and commercial acetic acid, and was artificially colored so as to simulate the appearance of sugar and distilled vinegar, and in a manner whereby its inferiority to sugar and distilled vinegar was concealed.

On June 22, 1922, pleas of guilty to the informations were entered on behalf of the defendant company, and the court imposed fines in the aggregate sum of \$75, together with the costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10588. Adulteration of canned lobster. U. S. \* \* \* v. 50 Cases of \* \* \* Cape Spiney Lobster. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16056. I. S. No. 12526-t. S. No. W-1046.)**

On or about February 21, 1922, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 cases of Cape Spiney lobster, remaining in the original unbroken packages at Newberg, Oreg., alleging that the article had been shipped by Stephen Lord & Co., Ltd., from Cape Town, South Africa, July 28, 1920, and introduced from a foreign country into the State of Oregon, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Spiney Capetown Lobster \* \* \* Stephen Bros. Packers."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On April 8, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*



**10589. Adulteration of oranges. U. S. \* \* \* v. 396 Boxes of Oranges. Consent decree confirming release of a portion of the product under bond, and the destruction of the remainder. (F. & D. No. 16372. I. S. Nos. 11008-t, 11009-t. S. No. W-1073.)**

On April 17, 1922, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 396 boxes of oranges, remaining unsold in the original unbroken packages at Denver, Colo., consigned by the Randolph Marketing Co., from Highlands, Calif., alleging that the article had been shipped from Highlands, Calif., on or about April 5, 1922, and transported from the State of California into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Valencia. Randolph Special Randolph Fruit Company. Redlands, California." The remainder of the article was labeled in part: "Valencia. Geranium Brand Randolph Marketing Company, California."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance, to wit, of decomposed oranges, resulting from frosting and freezing.

On May 22, 1922, the Randolph Marketing Co., Los Angeles, Calif., claimant, having taken the product down under bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be sorted, and 262½ boxes of the said product having been released to the claimant and the remainder thereof having been destroyed, judgment by consent was entered finding the allegations of the libel to be true, ratifying and confirming the said disposition of the product, and ordering that the said claimant pay the costs of the proceedings.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10590. Misbranding of Garren's blood purifier and tonic. U. S. \* \* \* v. 33 Bottles of Garren's Blood Purifier and Tonic. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14863. Inv. No. 33094. S. No. E-3358.)**

On May 17, 1921, the United States attorney for the Western District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 33 bottles of Garren's blood purifier and tonic, at Anderson, S. C., alleging that the article had been shipped by the Asheville Medicine Co., Hendersonville, N. C., on or about March 24, 1921, and transported from the State of North Carolina into the State of South Carolina, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of extracts of plant drugs, including goldenseal, a benzoate, glycerin, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the bottles and cartons containing the said article bore certain statements regarding the curative and therapeutic effects thereof, to wit, (carton) " \* \* \* Blood Purifier \* \* \* for Indigestion, Dyspepsia, Nervousness, Weakness, \* \* \* Disorders of the Blood, \* \* \* Impure Blood, \* \* \* for Pimples, Blotches, Tumors, Boils, Ringworm, Scrofula, Ulcers and Syphilis. \* \* \* Indigestion \* \* \* Powerful purifier of the blood \* \* \*," (bottle) " \* \* \* Blood Purifier \* \* \* Indigestion \* \* \* A Purifier of the Blood \* \* \* Impurities of the Blood. \* \* \*," which were false and fraudulent, in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On September 15, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10591. Misbranding of Lung Germine. U. S. \* \* \* v. 85 Bottles and 33 Bottles of \* \* \* Lung Germine. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 15114, 15115. Inv. Nos. 27106, 27107. S. Nos. C-3095, C-3096.)**

On or about July 9, 1921, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and



condemnation of 118 bottles of Lung Germine, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Lung Germine Co., Jackson, Mich., on or about January 2 and June 4, 1921, respectively, and transported from the State of Michigan into the State of Louisiana, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of sulphuric acid and water with small amounts of iron sulphate, alcohol, and materials derived from cod-liver oil and spices.

Misbranding of the article was alleged in substance in the libel for the reason that the package containing the said article failed to bear a statement on the label of the quantity or proportion of alcohol contained therein. Misbranding was alleged in substance for the further reason that the following statements appearing in the labeling of the bottle and carton containing the article, regarding its curative and therapeutic effect, (bottle) " \* \* \* Treatment For Relief Of Defective Nutrition and for Increasing Strength and General Health where Mucous Membranes are Susceptible to Lung Disease and Pulmonary Disorganization with Bronchial Irritation. (In Pre-tubercular Stages) \* \* \* Use no other lung medicine while using Lung Germine. Read carefully the circular accompanying this bottle \* \* \*." (carton) " \* \* \* Your Lungs Are They Weak Or Painful? Do your lungs ever bleed? Do you have night sweats? Are you short of breath? Have you pains in chest and sides? Do you spit yellow and black matter? Do you have pains under your shoulder blades? These Are Regarded Symptoms of Lung Trouble. Do Not Neglect These Symptoms. Keep Lung Germine in your home ready for immediate use at the first sign of Membraneous Lung Disease or Bronchial Irritation \* \* \* Treatment For Relief Of Defective Nutrition and for Increasing Strength and General Health where Mucous Membranes are Susceptible to Lung Diseases and Pulmonary Disorganization with Bronchial Irritation (In Pre-tubercular Stages) \* \* \*." were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On August 23, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10592. Misbranding of French cotton root pills. U. S. \* \* \* v. William B. McDuffie (French Medicine Co.). Plea of guilty. Fine, \$25. (F. & D. No. 15566. I. S. Nos. 9276-t, 9277-t.)**

On December 19, 1921, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William B. McDuffie, trading as the French Medicine Co., Atlanta, Ga., alleging shipment by said defendant, on or about March 29, 1921, in violation of the Food and Drugs Act, as amended, from the State of Georgia into the State of North Carolina, of quantities of French cotton root pills which were misbranded. The article was labeled in part, respectively: (Boxes) "French Cotton Root Pills (Double Strength) \* \* \* Recommended for Delayed Menstruation and Irregularities. \* \* \* French Medicine Co., Atlanta, Ga."; and "French Cotton-Root Comp. Pills Recommended for Delayed Menses and Irregularities \* \* \*."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that both the single and double strength pills contained iron sulphate, aloes, savin oil, and vegetable extractive matter.

Misbranding of the article was alleged in substance in the information for the reason that the above-quoted statements regarding the curative and therapeutic effects of the said article, appearing on the labels of the said boxes, falsely and fraudulently represented it to be effective as a treatment, remedy, and cure for delayed menstruation or delayed menses, as the case might be, and irregularities, whereas, in truth and in fact, it was not.

On June 28, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10593. Misbranding of Aspironal. U. S. \* \* \* v. 12 Dozen Bottles, et al, of Aspironal. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 15690, 15701, 15702, 15703, 15704, 15705. Inv. Nos. 33337, 33338. S. Nos. E-3663, E-3667.)

On December 19, 1921, the United States attorney for the Western District of South Carolina, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 36 dozen bottles of Aspironal, remaining unsold in the original unbroken packages at Greenwood, Spartanburg, Greenville, and Liberty, S. C., respectively, alleging that the article had been shipped by the Aspironal Laboratories, Atlanta, Ga., on or about February 9 and October 25, 1921, respectively, and transported from the State of Georgia into the State of South Carolina, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Aspironal \* \* \* Manufactured Only by Aspironal Laboratories, Atlanta, Ga. \* \* \*"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained sodium salicylate, camphor, menthol, extracts of plant drugs, including cascara sagrada and belladonna, a small amount of sugar, alcohol, and water.

Misbranding of the article was alleged in substance in the libels for the reason that the label on the bottles containing the said article bore the following statements, designs, and devices regarding the therapeutic effects of the said article, "Aspironal \* \* \* For Coughs, Colds, Influenza, LaGrippe, \* \* \* For Headache, Toothache, Earache, Stomachache, Neuralgia, Sciatica, \* \* \* For Rheumatism, \* \* \*" which were false and fraudulent, since the said article contained no ingredients or combination of ingredients capable of producing the curative or therapeutic effects claimed.

On March 3 and 15, 1922, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10594. Adulteration of sausage. U. S. \* \* \* v. 29 Cases \* \* \* of Sausage. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 16119. I. S. No. 18664-t. S. No. C-3527.)

On April 20, 1922, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 29 cases of sausage, at Chicago, Ill., alleging that the article had been shipped by the Thomas Canning Co., Grand Rapids, Mich., February 10, 1922, and transported from the State of Michigan into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Case) "Order Thomas Canning Co. Chicago, Illinois \* \* \* Delicia \* \* \* Vienna Style Sausage \* \* \*"; (can) "Delicia \* \* \* Vienna Style Sausage \* \* \*."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On June 27, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10595. Adulteration of canned stringless beans. U. S. \* \* \* v. 7 Cases \* \* \* of Canned Stringless Beans \* \* \*. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 16132. I. S. No. 15609-t. S. No. E-3858.)

On April 24, 1922, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 7 cases of canned stringless beans, remaining unsold in the original unbroken packages at Yonkers, N. Y., alleging that the article had been shipped by the W. H. Killian Co., Baltimore, Md., on or about March 27, 1922, and transported from the State of Maryland into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Killian's Quality Cut Green Stringless Beans \* \* \* Packed By W. H. Killian Co. Baltimore, U. S. A."



Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On May 15, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10596. Adulteration of sauerkraut. U. S. \* \* \* v. 755 Cases \* \* \* of Sauerkraut. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16152. I. S. No. 18666-t. S. No. C-3562.)**

On April 25, 1922, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 755 cases of sauerkraut, at Chicago, Ill., alleging that the article had been shipped by the Fremont Canning Co., Fremont, Mich., March 22, 1921, and transported from the State of Michigan into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. The article was labeled, respectively, in part: (Cans) "Sweetheart Brand Sauer Kraut \* \* \*," and "\* \* \* White Mountain Brand Sauer Kraut, New Hartford Canning Co., New Hartford, Oneida County, New York."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy vegetable substance, for the further reason that it consisted in part of a decomposed vegetable substance, and for the further reason that it consisted in part of a putrid vegetable substance.

On June 27, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10597. Adulteration of canned string beans. U. S. \* \* \* v. 18 Cases of Canned String Beans \* \* \*. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16249. Inv. No. 37230. S. No. E-3862.)**

On May 1, 1922, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 18 cases of canned string beans, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Monumental Canning Co., Inc., Baltimore, Md., on or about February 1, 1922, and transported from the State of Maryland into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Gold Bond Brand Cut Stringless Beans Contents Weigh 1 Lb. 3 Oz \* \* \*."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On May 15, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10598. Adulteration of apple sauce. U. S. \* \* \* v. 600 Cases \* \* \* of Apple Sauce. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16273. I. S. No. 18670-t. S. No. C-3616.)**

On May 3, 1922, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 600 cases of apple sauce, at Chicago, Ill., alleging that the article had been shipped by W. P. Barley, from Buena Vista, Va., December 8, 1919, and transported from the State of Virginia into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "The Pride of Mt. Joy Brand Apple Sauce \* \* \* Packed by W. P. Barley, Buchanan, Va."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance.

On June 27, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*



**10599. Adulteration of raisins. U. S. \* \* \* v. 600 Boxes \* \* \* of Raisins. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16305. I. S. No. 18671-t. S. No. C-3626.)**

On May 10, 1922, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 600 boxes of raisins, at Chicago, Ill., alleging that the article had been shipped by the Woodbridge Products Co., Woodbridge, Calif., October 9, 1920, and transported from the State of California into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Woodbridge Products Co., Stockton, Calif. 50 Pounds Net."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy vegetable substance, and for the further reason that it consisted in part of a decomposed vegetable substance.

On June 27, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10600. Misbranding of Parry's vegetable compound Nos. 2 and 3. U. S. \* \* \* v. 23 Bottles of \* \* \* Parry's Vegetable Compound No. 2 and 8 Bottles of \* \* \* Parry's Vegetable Compound No. 3. Decree of condemnation and forfeiture. Products ordered destroyed or released under bond for relabeling. (F. & D. No. 13763. I. S. Nos. 8628-t, 8627-t. S. Nos. E-2814, E-2815.)**

On October 6, 1920, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 23 bottles of Parry's vegetable compound No. 2 and 8 bottles of Parry's vegetable compound No. 3, remaining unsold in the original packages at Wheeling, W. Va., alleging that the articles had been shipped by the Parry Medicine Co., Inc., Pittsburgh, Pa., on or about September 24, 1920, and transported from the State of Pennsylvania into the State of West Virginia, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that they consisted of olive oil, alcohol, and water, flavored with various essential oils.

Misbranding of the articles was alleged in substance in the libel for the reason that the label on each of the bottles containing the said articles bore the statement, "All goods guaranteed under the Pure Food and Drug Act, June 30, 1906," which said statement was false and misleading. Misbranding was alleged in substance for the further reason that the packages, containers, and bottles and the labels thereon contained the following statements regarding the curative and therapeutic effects of the respective articles, "Parry's Vegetable Compound No. 2 \* \* \* Cancer \* \* \* For Cancer, Catarrh, Head Noises, Tumors, Adenoids, Hemorrhoids, Piles, Appendicitis, Asthma, Goiter, Typhoid and all other Fevers" and "Parry's Vegetable Compound No. 3 \* \* \* Cancer \* \* \* For Brights Disease, Bladder, Kidneys, Influenza and for Weak Women," which said statements were false and fraudulent, in that the articles contained no ingredients and no combination of ingredients capable of producing the effects claimed.

On May 6, 1921, the Parry Medicine Co., Inc., Pittsburgh, Pa., having entered an appearance as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal, with the proviso, however, that the said products be released to the said claimant, upon payment of the costs of the proceedings and the execution of a bond in the sum of \$200, in conformity with section 10 of the act, conditioned in part that they be relabeled in a manner satisfactory to this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*



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# United States Department of Agriculture.

## SERVICE AND REGULATORY ANNOUNCEMENTS.

### BUREAU OF CHEMISTRY.

### SUPPLEMENT.

N. J. 10601-10650.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., October 31, 1922.]

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

**10601. (Supplement to Notice of Judgment 10283. To correct name of claimant.) Adulteration and misbranding of cider vinegar. U. S. \* \* \* v. 10 Barrels of Alleged Cider Vinegar. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 13833. I. S. No. 5386-t. S. No. E-2852.)**

On June 20, 1922, Notice of Judgment No. 10283 was issued by this department relative to the termination of the above-cited case, and said notice of judgment made it appear that the National Association of Cider Manufacturers was the claimant for the property. The claimant in fact was F. E. Jewett & Co., a co-partnership, composed of Frank E. Jewett, Victor F. Jewett, and Harold Jewett, Lowell, Mass., the National Association of Cider Manufacturers having withdrawn their appearance theretofore entered.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10602. Misbranding of Haskin's Nervine. U. S. \* \* \* v. 10 Bottles of \* \* \* Haskin's Nervine. Default decree ordering destruction of the product. (F. & D. No. 14458. Inv. No. 26278. S. No. E-3127.)**

On February 12, 1921, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 bottles of Haskin's Nervine, remaining unsold in the original unbroken packages at Clarksburg, W. Va., alleging that the article had been shipped by the Haskin Medicine Co., Binghamton, N. Y., on or about January 6, 1921, and transported from the State of New York into the State of West Virginia, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of a sweetened, flavored, and colored solution of Epsom salt.

Misbranding of the article was alleged in the libel for the reason that the label bore the statement, "A Purely Vegetable Compound," together with guaranty statement and serial number, which was false and misleading. Misbranding was alleged in substance for the further reason that the following statements appearing on the labels of the bottles and cartons containing the said article, (bottle) "Nervine The Great Nerve Tonic and Blood Purifier. \* \* \* For Liver Complaint, Female Weakness, Nervous Affections, Rheumatism,

Kidney Trouble, Dyspepsia, Indigestion, \* \* \* Biliousness and Catarrh \* \* \* Nervous Diseases, Pains in the Heart and Shoulders, \* \* \* Indigestion, Headache, Heartburn, Loss of Appetite, Dizziness, Numbness, Nausea, Fluttering of the Heart, Faintness, Rheumatism and Kidney Trouble. \* \* \* Nervous Prostration and Female Complaints \* \* \* It strengthens the Nerves, Purifies the Blood, Tones up the System, Makes New Rich Blood, Clear Skin, and Ensures Perfect Health \* \* \*," (carton) "Nervine. The Great Tonic, Nervine, and Blood Purifier. \* \* \* It Strengthens the Nerves, Purifies the Blood, Tones Up the System, Makes New, Rich Blood, Clear Skin, \* \* \* The Great Nerve and Blood Tonic. \* \* \* It acts upon the glandular system, increasing the functional activity of the body, it at once makes known its wonderful power of renovating and enriching the blood, and invigorates the whole system. As a remedy for diseases of the Stomach, Liver and Kidneys, Dyspepsia, Indigestion, Loss of Appetite, Sick Headache, Dizziness, Female Weakness, Nervous Prostration, Emaciation, General Debility, Rheumatism, Heart Trouble, Eruptions of the Skin, Pimples, Boils, Tumors, Scrofulous Affections, Cancerous Humors, Salt Rheum, Catarrh, Ringworm, Carbuncles, Ulcers and Sores, Syphilitic Affections, Malaria [Malarial Poison], Pain in the Bones, or in fact any disease originating from an impure state or low condition of the blood and nerves, \* \* \* While eradicating and expelling the germs of disease, it at the same time builds up and invigorates, giving new life and energy to the whole system \* \* \*" were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On September 29, 1921, no claimant having appeared for the property, judgment of the court was entered finding the product to be misbranded and ordering its destruction by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10603. Adulteration and misbranding of bakers' whip. U. S. \* \* \* v. 6 Pounds of \* \* \* Bakers' Whip. Default decree ordering destruction of the product. (F. & D. No. 14828. I. S. No. 8476-t. S. No. E-3331.)**

On June 1, 1921, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 6 pounds of bakers' whip, remaining in the original packages at Martinsburg, W. Va., alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., on or about April 1, 1921, and transported from the State of Missouri into the State of West Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Bakers' Whip \* \* \* Manufactured exclusively by W. B. Wood Mfg. Co. \* \* \*."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted chiefly of baking powder, starch, and a small amount of gum, colored with coal-tar dye and containing no eggs, which had been mixed and packed with and substituted wholly for the said article, and for the further reason that it was mixed and colored in a manner whereby damage and inferiority were concealed.

Misbranding was alleged in substance for the reason that the statements on the label of the can containing the article, to wit, "Bakers' Whip An Egg Substitute Saves Time Saves money If you are looking for something to use in place of Eggs, this is it. There Is No Other Each one pound of Bakers' Whip is equal in strength to 50 Eggs, and should be used in like proportion. Dissolve one-fourth pound of Bakers' Whip in one pint of warm water. Stir well and it is ready to use. \* \* \* When you consider each one-fourth lb. of Bakers' Whip is equal to about 13 eggs, you can readily determine its use. \* \* \* Do Not Accept Imitations. This Is The Original," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article.

On September 29, 1921, no claimant having appeared for the property, judgment of the court was entered finding the product to be adulterated and misbranded and ordering its destruction by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*



**10604. Adulteration of raisins. U. S. \* \* \* v. 101 Boxes \* \* \* of Raisins. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14870. I. S. No. 6411-t. S. No. E-3362.)**

On May 19, 1921, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 101 boxes of raisins, remaining in the original unbroken packages at Boundbrook, N. J., alleging that the article had been shipped by Louis Marks & Son, New York, N. Y., on or about May 5, 1921, and transported from the State of New York into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable and animal substance.

On February 9, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10605. Adulteration of black pepper. U. S. \* \* \* v. 50 Bags \* \* \* of Black Pepper. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15151. I. S. No. 6944-t. S. No. E-3529.)**

On August 17, 1921, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 bags of black pepper, remaining unsold in the original unbroken packages at Jersey City, N. J., alleging that the article had been shipped by the Merchants Refrigerating Co., New York, N. Y., on or about April 28, 1921, and transported from the State of New York into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that an excessive quantity of foreign substances, to wit, dirt, stems, twigs, and pebbles, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for black pepper, which the article purported to be; and for the further reason that the said substances had been mixed with the article in a manner whereby its damage or inferiority was concealed.

On February 9, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10606. Misbranding of Nonpareil food for hogs and Nonpareil food for stock. U. S. \* \* \* v. One Dozen Packages, et al, of \* \* \* Nonpareil Food for Hogs and 24 Packages, et al, of \* \* \* Nonpareil Food for Stock. Default decrees ordering destruction of the products. (F. & D. Nos. 15167, 15168, 15169, 15180, 15181, 15182, 15183, 15184, 15185, 15186, 15192, 15201, 15202, 15203, 15204, 15205, 15206, 15207, 15208, 15209, 15210, 15211. Inv. Nos. 32959 to 32978, inclusive, 35670, 35671. S. Nos. E-3409, E-3427, E-3428, E-3429, E-3438, E-3441, E-3446, E-3447, E-3448, E-3449, E-3453, E-3454, E-3457, E-3458, E-3459.)**

On or about July 15, 18, and 20, 1921, respectively, the United States attorney for the Northern District of West Virginia, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district various libels praying the seizure and condemnation of 201 packages of Nonpareil food for hogs and 198 packages of Nonpareil food for stock, remaining in the original packages at various places in West Virginia, alleging that the articles had been shipped by E. T. Bready, Frederick, Md., between the dates of May 16 and June 23, 1921, and transported from the State of Maryland into the State of West Virginia, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the food for hogs consisted essentially of wheat middlings, salt, charcoal, sulphur, red pepper, and a bitter drug such as gentian; and that the food for stock consisted essentially of ground wheat products, including a large amount of bran, approximately 12 per cent of salt, approximately 1 per cent of sulphur, charcoal, a bitter drug such as gentian, and an aromatic substance such as anise or fennel.

Misbranding of the food for hogs was alleged in substance in the libels for the reason that the packages containing the said article were labeled as

follows, "This Food is prepared from Herbs, Seeds and Roots. It is prepared from purely vegetable ingredients \* \* \* All the ingredients composing this Food are \* \* \* Herbs, Seeds and Roots \* \* \* It contains no Mineral whatever except salt," which said statements were false and misleading in that the said article contained approximately 1 per cent of sulphur. Misbranding was alleged in substance with respect to both products for the further reason that the following statements regarding the curative and therapeutic effects of the respective articles, appearing on the labels thereof, (food for hogs) " \* \* \* prepared from purely vegetable ingredients, which \* \* \* so thoroughly strengthen the entire system that the Hog Cholera microbe cannot find lodgment and will be thrown off without any harm to the animal. \* \* \* Hog Cholera \* \* \* the proper way is to invigorate the system by purely vegetable remedies, so that the microbe cannot find a lodging place in the system from which to do its deadly work. \* \* \* 'Nonpareil Hog Food' will cure these milder forms, and, used as directed, will prevent Hog Cholera \* \* \* One tablespoonful with slop for three hogs will prevent nearly all swine diseases. \* \* \* A Specially Prepared Food which is a sure preventive of Cholera. \* \* \* it will prevent hog cholera if fed regularly \* \* \*," (food for stock) " \* \* \* It will prevent and cure disease in all domestic animals \* \* \* Cows fed on this Food will give \* \* \* Richer Milk \* \* \* Preventing Foot and Mouth diseases, Cholera, etc. \* \* \* Calves. \* \* \* keeps them free from scour. \* \* \* Horses. \* \* \* For Epizootic, \* \* \* Kidney or Liver Trouble, \* \* \* Influenza, \* \* \* Cows \* \* \* Will increase the \* \* \* richness of milk. \* \* \* Cattle, \* \* \* Prevents disease, \* \* \* Colts. \* \* \* Prevents mange, \* \* \* Calves. \* \* \* Prevents skin disease, scours, etc. \* \* \* For Colic. \* \* \*," were false and fraudulent, since the said articles contained no ingredients or combinations of ingredients capable of producing the effects claimed.

On September 29, 1921, no claimant having appeared for the property, judgments of the court were entered finding the products to be misbranded and ordering their destruction by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10607. Adulteration and misbranding of colors. U. S. \* \* \* v. W. H. Long & Co., Inc., a Corporation. Plea of guilty. Fine, \$25. (F. & D. No. 15256. I. S. Nos. 3658-t, 3659-t, 14653-r.)**

On October 13, 1921, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against W. H. Long & Co., Inc., a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on or about March 1, 1920, from the State of New York into the State of Pennsylvania, of a quantity of canary yellow color, and on or about March 13, 1920, from the State of New York into the State of Missouri, of quantities of brilliant orange color and violettine color, respectively, all of which were adulterated and misbranded. The articles were labeled in part, respectively: "Champion Colors \* \* \* Brilliant Orange (Orange Shade) \* \* \* Manufactured By W. H. Long & Co., New York, N. Y. \* \* \*"; "Champion Colors \* \* \* Violettine W #4 \* \* \*," and "Champion Colors \* \* \* 'Guaranteed Food Colors' Canary Yellow (Egg Shade) \* \* \*."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that they contained excessive insoluble matter, sodium sulphate, and sodium chlorid, and that the brilliant orange contained tartrazine and fast red E, that the violettine W No. 4 contained fast red E, and that the canary yellow contained fast red A and Martius yellow.

Adulteration of the articles was alleged in substance in the information for the reason that substances, to wit, excessive amounts of sodium sulphate, sodium chlorid, and insoluble matter and certain noncertified colors, to wit, fast red E and tartrazine in the case of the brilliant orange, fast red E in the case of the violettine, and fast red A and Martius yellow in the case of the canary yellow, had been mixed and packed with the respective articles so as to lower and reduce and injuriously affect their quality and strength, and had been substituted wholly or in part for "Brilliant Orange (Orange Shade)" or "Guaranteed Food Colors," as the case might be, which the said articles purported to be. Adulteration was alleged in substance for the further reason that substances, to wit, noncertified colors, to wit, fast red E and tartrazine, fast red E, and fast red A and Martius yellow, as the case might be, and



excessive amounts of sodium sulphate, sodium chlorid, and insoluble matter had been mixed with the respective articles in a manner whereby their damage and inferiority were concealed.

Misbranding was alleged in substance for the reason that the statements, to wit, " \* \* \* 'Guaranteed Food Colors' Brilliant Orange (Orange Shade) This package is guaranteed to contain only such colors which have been certified to the U. S. Dept. of Agriculture under F. I. D. 76-77-129. Certified Mixture No. WHL & Co. 4," " \* \* \* 'Guaranteed Food Colors' All the colors in this mixture have been certified \* \* \*," and " \* \* \* 'Guaranteed Food Colors' Canary Yellow (Egg Shade) This package is guaranteed to contain only such colors which have been certified to the U. S. Dept. of Agriculture under F. I. D. 76-77-129. Certified Mixture No. WHL & Co. 5," borne upon the packages containing the respective articles, concerning the articles and the substances contained therein, were false and misleading in that the brilliant orange contained fast red E and tartrazine and the canary yellow contained fast red A and Martius yellow, which had not been certified to the U. S. Department of Agriculture under F. I. D. 76-77-129, to wit, Food Inspection Decisions Nos. 76, 77, and 129, and the violettine contained fast red E, a noncertified color. Misbranding of the brilliant orange and violettine was alleged in substance for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the brilliant orange contained only colors which had been certified to the U. S. Department of Agriculture under Food Inspection Decisions Nos. 76, 77, and 129, and that the violettine contained only guaranteed food colors, to wit, food colors which had been certified to the U. S. Department of Agriculture, whereas, in truth and in fact, the said brilliant orange contained fast red E and tartrazine and the said violettine contained fast red E, which were noncertified colors. Misbranding of the brilliant orange and the canary yellow was alleged in substance for the further reason that they were products containing noncertified colors, fast red E and tartrazine in the case of the brilliant orange, and fast red A and Martius yellow in the case of the canary yellow, and also contained arsenic and excessive amounts of sodium sulphate, sodium chlorid, and insoluble matter, prepared in imitation of, and offered for sale under the distinctive names of, other articles, to wit, "Brilliant Orange (Orange Shade)" and "Canary Yellow (Egg Shade)."

On October 17, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10608. Misbranding of compound oil and adulteration and misbranding of olive oil.** U. S. \* \* \* \* v. 20 \* \* \* Cans \* \* \* \* of Compound Oil and 6 \* \* \* \* Cans \* \* \* \* of Olive Oil. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 15339, 15341. I. S. Nos. 15418-t, 15422-t. S. Nos. E-3538, E-3540.)

On August 8, 1921, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 20 gallon cans of compound oil and 6 gallon cans of olive oil, so called, remaining unsold at Hoboken and Paterson, N. J., respectively, alleging that the articles had been shipped by I. Haber, New York, N. Y., on or about June 15, 1921, and transported from the State of New York into the State of New Jersey, and charging misbranding with respect to the former and adulteration and misbranding with respect to the latter, in violation of the Food and Drugs Act, as amended. The articles were labeled in part, respectively: "Prophet Brand Extra Fine Oil \* \* \* A Compound \* \* \*"; and "Olio d'Olive Puro Importato \* \* \* Napoli Brand \* \* \*."

Misbranding of the articles was alleged in the libels for the reason that they were [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statements made thereon were not correct. Misbranding was alleged in substance for the further reason that the labels on the packages containing the respective articles bore the statement, to wit, "Net Contents One Gallon," and the labels on the packages containing the so-called olive oil bore the further statements regarding the said olive oil or the ingredients or substances contained therein, to wit, "Olio d'Olive Puro Importato Pure Imported Olive Oil Napoli Brand \* \* \* This imported olive oil is guaranteed to be absolutely pure and especially adapted for medicinal and table use," together with similar state-



ments in Italian and a cut of a foreign scene suggesting Naples, which were false and misleading and deceived and misled the purchaser.

Adulteration of the so-called olive oil, considered as a food, was alleged in substance for the reason that a substance, peanut oil, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength, had been substituted wholly or in part for the said article, and had been mixed therewith in a manner whereby damage or inferiority was concealed. Adulteration of the said olive oil, considered as a drug, was alleged for the reason that it was sold under a name recognized in the United States Pharmacopœia and differed from the pharmacopœial standard of strength, quality, or purity.

On February 9, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10609. Misbranding of olive oil. U. S. \* \* \* v. 19 One-Gallon Cans \* \* \* and 15 Half-Gallon Cans \* \* \* of \* \* \* Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15371. I. S. Nos. 6719-t, 6720-t. S. No. E-3552.)**

On August 18, 1921, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 19 gallon cans and 15 half-gallon cans of olive oil, remaining unsold at Passaic, N. J., alleging that the article had been shipped by Scaduto & Co., New York, N. Y., on or about April 20, 1921, and transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Pure Olive Oil Sanzio Brand Sole Distributors Scaduto & Co. New York \* \* \* Half Gallon \* \* \*" (or "One Gallon").

Misbranding of the article was alleged in substance in the libel for the reason that it was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct. Misbranding was alleged in substance for the further reason that the label of the package containing the article bore a statement, design, or device regarding the article or the ingredients or substances contained therein, as follows, "One Gallon" or "Half Gallon," as the case might be, which was false and misleading and deceived and misled the purchaser.

On February 9, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10610. Adulteration of horse feed. U. S. \* \* \* v. 200 Sacks of International Dan Patch Horse Feed. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 654-c. I. S. No. 12784-t.)**

On May 21, 1921, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 200 sacks of International Dan Patch horse feed, consigned by the International Sugar Feed Co., Memphis, Tenn., remaining in the original packages at Wichita Falls, Tex., alleging that the article had been shipped from Memphis, Tenn., on or about March 19, 1921, and transported from the State of Tennessee into the State of Texas, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted largely of a filthy, decomposed, and putrid vegetable substance.

On May 22, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10611. Misbranding of Alexander's rheumatic and malarial remedy. U. S. \* \* \* v. Joseph J. Alexander and Galena Alexander (W. W. Alexander & Co.). Pleas of guilty. Fine, \$100. (F. & D. No. 10299. I. S. No. 9902-p.)**

On August 19, 1919, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the

District Court of the United States for said district an information against Joseph J. Alexander and Galena Alexander, co-partners, trading as W. W. Alexander & Co., Akron, Ohio, alleging shipment by said defendants, on or about September 6, 1917, in violation of the Food and Drugs Act, as amended, from the State of Ohio into the State of Kentucky, of a quantity of Alexander's rheumatic and malarial remedy which was misbranded. The article was labeled in part: "Alexander's Rheumatic and Malarial Remedy \* \* \* Prepared Only By W. W. Alexander & Co. Chemists, Akron, Ohio, U. S. A."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of extracts of plant drugs, including a laxative drug, a trace of an alkaloid, a small amount of chloroform, sugar, 2.2 per cent of alcohol, and water. The package contained a powder labeled "L & K Tonic Powder," which consisted essentially of calomel, soda, and a small amount of plant material.

Misbranding of the article was alleged in substance in the information for the reason that certain statements regarding the therapeutic and curative effects of the said article, appearing on the labels of the bottles and cartons containing the same, falsely and fraudulently represented it to be effective as a treatment, remedy, and cure for rheumatism, malarial diseases, la grippe, bilious fevers, intermittent fevers, remittent fevers, chills and fever, liver and kidney diseases, neuralgia, catarrh, backache, sick headache, general debility, nervousness, weakness, and complaints peculiar to females, rheumatic or neuralgic pains in the side, back or limbs, sick headache, kidney affections, dyspepsia, giddiness, nervous diseases, and all diseases arising from a disordered stomach and liver, as a preventive of yellow and typhoid fevers and all fevers arising from impure blood or marsh-miasmatic influences, and as a sure cure for malaria, when, in truth and in fact, it was not. Misbranding was alleged for the further reason that the article contained chloroform, and the label failed to bear a statement of the quantity or proportion of chloroform contained therein.

On February 10, 1922, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$100.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10612. Misbranding of cottonseed hulls. U. S. \* \* \* v. 202 Sacks of Cottonseed Hulls. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14009. I. S. No. 11259-t. S. No. C-2607.)**

On December 10, 1921, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 202 sacks of cottonseed hulls, remaining in the original unbroken packages at Alexander City, Ala., alleging that the article had been shipped by the Webb-Sumner Oil Mill, Webb, Miss., October 19, 1920, and transported from the State of Mississippi into the State of Alabama, and charging misbranding in violation of the Food and Drugs Act, as amended.

Misbranding of the article was alleged in the libel for the reason that the quantity of the contents was not plainly and conspicuously marked on the outside of each sack.

On May 23, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10613. Misbranding of Pratt's cow remedy. U. S. \* \* \* v. 12 Cans \* \* \* of Pratt's Cow Remedy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14883. Inv. No. 31433. S. No. E-3336.)**

On April 22, 1921, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 12 cans of Pratt's cow remedy, remaining in the original unbroken packages at Hammonton, N. J., alleging that the article had been shipped by the Pratt Food Co., Philadelphia, Pa., on or about April 13, 1921, and transported from the State of Pennsylvania into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of a mixture of salt, soda, Epsom salt, iron oxid, fenugreek, ginger, nux vomica, and gentian.



Misbranding of the article was alleged in substance in the libel for the reason that the statements borne on the cans containing the said article, to wit, " \* \* \* For Barrenness \* \* \* For Calves: For preventing or treating scours, \* \* \* For Accidental Or Non-Contagious Abortion \* \* \* Contagious Abortion \* \* \* Retained Afterbirth \* \* \* Pratts Cow Remedy is a tested compound to aid in the prevention and treatment of abortion (slinking of calves), barrenness (failure to breed), retained afterbirth \* \* \*," were false and fraudulent in that the said statements were applied to the article so as to represent falsely and to create in the minds of purchasers thereof the impression and belief that the said article possessed the curative and therapeutic qualities claimed for it, whereas, in truth and in fact, it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On February 9, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10614. Adulteration and misbranding of olive oil. U. S. \* \* \* v. 48 Cans \* \* \* of Olive Oil \* \* \*. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14951. I. S. No. 6266-t. S. No. E-3364.)**

On May 27, 1921, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 48 cans of olive oil, remaining in the original unbroken packages at Bayonne, N. J., alleging that the article had been shipped by Vincent Carrara, New York, N. Y., on or about March 30, 1921, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, cottonseed oil, had been substituted wholly for pure and extra fine olive oil, which the article purported to be.

Misbranding was alleged in substance for the reason that the statements, to wit, "Extra Fine Olive Oil Olio D'Oliva Purissimo Importato Italia Brand Quest 'Olio Di Oliva Risulta Assolutamente Puro Sotto Analisi Chimica," together with the designs of a crown, lion, and olive branches, borne on the cans containing the article, concerning the said article and the ingredients contained therein, were false and misleading in that the said statements and designs represented the article to be pure olive oil of extra fine quality, imported from a foreign country, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure olive oil imported from a foreign country, whereas, in truth and in fact, it was not olive oil and was not an imported article but was a product made in the United States of America consisting wholly of cottonseed oil. Misbranding was alleged for the further reason that the article was a product composed wholly of cottonseed oil prepared in imitation of, and offered for sale under the distinctive name of, another article, to wit, olive oil; and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 9, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10615. Misbranding of olive oil. U. S. \* \* \* v. 5 \* \* \* Gallon Size and 19 \* \* \* Quart Size Cans of Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15014. I. S. Nos. 6618-t, 6620-t. S. No. E-3389.)**

On June 29, 1921, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 gallon size cans and 19 quart size cans of olive oil, remaining unsold at Newark, N. J., alleging that the article had been shipped by the Economu-Ritsos Co., Inc., New York, N. Y., on or about May 24, 1921, and transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "One Gallon Net" (or "One Quart Net") "Prodotti Italiani Puro



Olio Di Oliva Marca Famiglia \* \* \* Packed And Imported By Economu-Ritsos Co. \* \* \*

Misbranding of the article was alleged in substance in the libel for the reason that the statements borne on the cans containing the article, concerning the net quantity of the article contained therein, to wit, "One Gallon Net" and "One Quart Net," as the case might be, were false and misleading, since the said cans did not contain one gallon net or one quart net of the said article, as the case might be, but did contain a less quantity, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said cans each contained the net quantity of the said article as labeled thereon, to wit, one gallon net and one quart net, respectively, whereas, in truth and in fact, the said cans did not contain one gallon net and one quart net, respectively, of the article, but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the net quantity stated was more than the actual contents of the said packages.

On February 9, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10616. Misbranding of olive oil. U. S. \* \* \* v. 45 Cans \* \* \* and 21 Cans \* \* \* of \* \* \* Olive Oil. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 15028. I. S. Nos. 6226-t, 6975-t. S. No. E-3419.)

On July 11, 1921, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 45 cans,  $\frac{1}{4}$ -gallon size, and 21 cans,  $\frac{1}{2}$ -gallon size, of olive oil, remaining unsold at Red Bank, N. J., alleging that the article had been shipped by the Caserta Importing Co., New York, N. Y., on or about June 10, 1921, and transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Pure Olive Oil Sublime Quality \* \* \* Caserta Brand Net Contents Full Quarter Gallon \* \* \*" (or "One Half Gallon \* \* \*").

Misbranding of the article was alleged in substance in the libel for the reason that the statements, to wit, "Net Contents Full Quarter Gallon" or "Net Contents One Half Gallon," as the case might be, borne upon the cans containing the article, concerning the net quantity of the article contained therein, were false and misleading in that the said cans did not each contain one-quarter gallon, to wit, one quart, and one-half gallon, respectively, of the said article but did contain a less quantity, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said cans contained one-quarter gallon or one-half gallon, as the case might be, of the said article, whereas, in truth and in fact, the said respective sized cans did not contain the net quantity of the article marked thereon but did contain a less quantity. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was more than the actual contents of the said package.

On February 9, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10617. Misbranding of Lee's Hazel antiseptic cones. U. S. \* \* \* v. 36, et al, Packages \* \* \* of Lee's Hazel Antiseptic Cones. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 16116, 16117, 16118. Inv. Nos. 38517, 38518, 38519. S. Nos. C-3518, C-3519, C-3520.)

On April 21, 1922, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 87 packages of Lee's Hazel antiseptic cones, at Omaha, Nebr., alleging that the article had been shipped by the Hazel Hygienic Co., Denver, Colo., on or about August 9, 1921, and April 7 and 8, 1922, respectively, and transported

from the State of Colorado into the State of Nebraska, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Box) " \* \* \* For Female Disorders"; (circular) " \* \* \* Women suffering from Leucorrhoea, \* \* \* Inflammation of the Genital Organs and the various disorders of the Vagina and Uterus, will find in Lee's Hazel Antiseptic Cones an effective remedy. \* \* \* for various distressing derangements of the Uterine Organs. \* \* \* It applies directly to the weak, diseased organs the influence necessary to overcome the fundamental disturbance. Women who suffer from derangements peculiar to their sex cannot afford to neglect them. Lee's Hazel Antiseptic Cones Are \* \* \* decidedly effective. \* \* \* insuring the thorough therapeutic action needed in the treatment of female disorders. They Help The Conditions Caused By Leucorrhoea. Congestion renders the womb heavy thereby stretching the ligaments, the natural support of the womb thus causing displacements of the womb. By relieving congestion this cause of displacement is removed. Congestion is also a cause of painful menstruation. Relief of congestion removes this, cause of painful menstruation. \* \* \* For Female Complaints in General. A remedy of great medicinal value which is used by women suffering from derangements peculiar to their sex. The secret of the success of Lee's Hazel Antiseptic Cones lies in the application of the medicine to the affected parts, \* \* \* If the case is extremely severe and of long standing, \* \* \* This remedy \* \* \* has its field in the treatment of the conditions described. Lee's Hazel Antiseptic Cones Are \* \* \* decidedly effective \* \* \*."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of perfumed suppositories composed of boric acid, sodium salicylate, a trace of a zinc salt, and cocoa butter.

Misbranding of the article was alleged in substance in the libels for the reason that the above-quoted statements regarding the curative and therapeutic effect of the said article were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 30, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10618. Misbranding of Abbott Bros. compound for rheumatism. U. S. \* \* \* v. 32 Bottles and 18 Bottles \* \* \* of Abbott Bros. Compound for Rheumatism. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 16250, 16251. Inv. Nos. 38513, 38510. S. Nos. C-3570, C-3571.)**

On May 9, 1922, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 50 bottles of Abbott Bros. compound for rheumatism, at Omaha, Nebr., alleging that the article had been shipped by the Abbott Bros. Co., Berwyn, Ill., on or about July 1, 1921, and January 3, 1922, respectively, and transported from the State of Illinois into the State of Nebraska, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) " \* \* \* For Rheumatism \* \* \*"; (carton) " \* \* \* For Rheumatism \* \* \* Muscular, Articular, Inflammatory, \* \* \* Sciatica, Rheumatic Neuritis, and Stiffness and Soreness of the Joints and Muscles, \* \* \* Lumbago and all Muscular and Nerve Pains of Rheumatic Origin \* \* \*"; (circular) " \* \* \* for Rheumatism \* \* \*."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of 8 per cent of potassium iodid, 1½ per cent of extracts of plant drugs including colchicum, 16.9 per cent of alcohol, and approximately 73 per cent of water, flavored with small amounts of aromatics, including methyl salicylate.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements regarding the curative and therapeutic effect of the said article were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 30, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*



**10619. Misbranding of mayonnaise dressing and Russian dressing. U. S. \* \* \* v. 17 Cases of Mayonnaise and 6 Cases of Russian Dressing. Consent decree of condemnation and forfeiture. Products released under bond. (F. & D. No. 16374. I. S. Nos. 9504-t, 9505-t. S. No. E-3892.)**

On June 3, 1922, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 17 cases of mayonnaise dressing and 6 cases of Russian dressing, remaining in the original unbroken packages at Atlanta, Ga., alleging that the articles had been shipped by the Duke Mayonnaise Co., Greenville, S. C., on or about May 16 and April 20, 1922, respectively, and transported from the State of South Carolina into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act, as amended. The articles were labeled in part, respectively: "Duke's Home Made Mayonnaise \* \* \* Duke Mayonnaise Co. Greenville, S. C. Net Weight 8 Ozs."; "\* \* \* Russian Dressing \* \* \* Duke Mayonnaise Co. Greenville, S. C. Net Weight 8 Oz."

Misbranding of the articles was alleged in substance in the libel for the reason that the statement borne on the label on the packages containing the said articles, regarding the contents of the said packages, to wit, "Net weight 8 Ozs.," was false and misleading and deceived and misled the purchaser into the belief that each of the said packages contained 8 ounces net of the said articles, whereas, in truth and in fact, the said packages did not each contain 8 ounces net of the said articles but did contain a materially less quantity than 8 ounces. Misbranding was alleged for the further reason that the articles were [food] in package form, and the quantity of the contents thereof was not plainly and conspicuously [marked] on the outside of the said packages.

On June 15, 1922, the Duke Mayonnaise Co., Greenville, S. C., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be relabeled "Net Weight 7 Ozs.," and that the products be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$100, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10620. Adulteration and misbranding of sirup. U. S. \* \* \* v. Dunbar Molasses & Syrup Co., a Corporation. Plea of guilty. Fine, \$30. (F. & D. No. 10043. I. S. No. 16031-r.)**

On September 27, 1919, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Dunbar Molasses & Syrup Co., a corporation, New Orleans, La., alleging shipment by said company, on or about April 17, 1918, in violation of the Food and Drugs Act, as amended, from the State of Louisiana into the State of Florida, of a quantity of sirup which was adulterated and misbranded. The article was labeled in part: "Dunbar's White Star Brand Syrup Packed By Dunbar Molasses & Syrup Co., New Orleans, La. \* \* \*."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product was a mixture of glucose and molasses, containing added water, and that the cans containing the same contained less than the declared quantity.

Adulteration of the article was alleged in the information for the reason that substances, to wit, glucose and added water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for sirup, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Syrup," "Corn Syrup And Sugar House Molasses," and "Contains 9 Lbs.—3 Ozs.," borne on the labels attached to the cans containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the article was sirup, that it was corn sirup and sugar house molasses, and that each of the said cans contained 9 pounds and 3 ounces of the said article, and for the further reason that the said article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was sirup, that it was corn



sirup and sugar house molasses, and that the contents of each of the said cans was 9 pounds and 3 ounces, whereas, in truth and in fact, the said article was not sirup, it was not corn sirup and sugar house molasses, and each of the said cans did not contain 9 pounds and 3 ounces of the said article but did contain a less amount. Misbranding was alleged for the further reason that the article was a product composed in part of glucose and added water, prepared in imitation of, and offered for sale and sold under the distinctive name of, another article, to wit, sirup; and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On December 19, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$30.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10621. Adulteration of milk. U. S. \* \* \* v. Edward G. Hammell and John B. Rueschhoff (Ideal Dairy Co.).** Plea of guilty by John B. Rueschhoff. Fine, \$50 and costs. Counts 2 and 3 of indictment dismissed as to Edward G. Hammell, who pleaded *nolo contendere* and was fined \$25 and costs. (F. & D. No. 10362. I. S. Nos. 10079-p, 10493-p, 10509-p.)

On October 9, 1919, the Grand Jurors of the United States for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, upon presentment by the United States attorney for said district returned in the District Court of the United States for the district aforesaid an indictment in three counts against Edward G. Hammell and John B. Rueschhoff, a partnership, trading as the Ideal Dairy Co., St. Louis, Mo., and having a receiving station at Coulterville, Ill., charging shipment by said defendants, in violation of the Food and Drugs Act, on or about August 4 and 31 and September 13, 1917, respectively, from the State of Illinois into the State of Missouri, of quantities of milk which was adulterated. The article was labeled in part: "To Ideal Dairy Co. \* \* \* From Ideal Dairy Co., Station Coulterville, Ill. \* \* \*"

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the milk in each shipment contained filth and that the shipments of August 4 and September 13 also contained added water.

Adulteration of the product involved in all the consignments was charged in the information for the reason that it consisted in whole or in part of a filthy animal substance. Adulteration of the product consigned August 4 and September 13 was charged for the further reason that a certain substance, to wit, added water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for milk, which the said product purported to be.

On September 15, 1920, defendant John B. Rueschhoff entered a plea of guilty to the indictment, and the court imposed a fine of \$50 and costs. On December 13, 1921, counts 2 and 3 of the indictment having been dismissed as to defendant Edward G. Hammell, a plea of *nolo contendere* to the remaining count was entered by said defendant, and the court imposed a fine of \$25 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10622. Misbranding of cottonseed meal. U. S. \* \* \* v. Southland Cotton Oil Co., a corporation.** Plea of guilty. Fine, \$50. (F. & D. No. 11218. I. S. No. 7485-r.)

On February 3, 1920, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Southland Cotton Oil Co., a corporation, Corsicana, Tex., alleging shipment by said company, in violation of the Food and Drugs Act, on or about October 17, 1918, from the State of Texas into the State of Missouri, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: "100 Pounds Ordinary Cotton Seed Meal Manufactured By Southland Cotton Oil Co. Corsicana Texas (Trade Mark) 'Southland.'"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 40.13 per cent of protein.

Misbranding of the article was alleged in the information for the reason that the following statement appearing on the label of the sacks containing the said article, to wit, "Protein not less than 43.00%," was false and misleading in that the statement represented to purchasers of the article that it contained not less than 43 per cent of protein, and for the further reason

that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 43 per cent of protein, whereas, in fact and in truth, the said article contained less than 43 per cent of protein.

On May 16, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10623. Adulteration and misbranding of red kidney beans. U. S. \* \* \* v. 181 Cases \* \* \* and 14 Cases of Alleged Kidney Beans. Default decrees of condemnation, forfeiture, and destruction or sale. (F. & D. Nos. 12171, 12223. I. S. Nos. 8881-r, 8885-r. S. Nos. C-1755, C-1814.)**

On February 19 and March 3, 1920, respectively, the United States attorney for the District of Minnesota, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 181 cases and 14 cases of alleged kidney beans, at St. Paul and Rochester, Minn., respectively, alleging that the article had been shipped by George Van Camp & Sons Co., from Westfield, Ind., in part on or about September 13, 1919, and in part on or about October 20, 1919, and transported from the State of Indiana into the State of Minnesota, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "George Van Camp's Red Kidney Beans" (or "Special Red Kidney Beans") "\* \* \* Packed by George Van Camp & Sons Co., Westfield, Indiana."

Adulteration of the article was alleged in the libels for the reason that long cranberry beans had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the statement, "Red Kidney Beans," appearing on the label of the cans containing the article, was false and misleading when applied to long cranberry beans; and for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article.

On May 1, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and on May 5, 1922, amended decrees were filed providing for the condemnation and forfeiture of the product and ordering that it be destroyed by the United States marshal, or sold by said marshal if such sale could be effected, to a consumer or other person who would not place the said product upon the market for sale.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10624. Misbranding of cracked cottonseed feed. U. S. \* \* \* v. Southland Cotton Oil Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 12289. I. S. No. 10872-r.)**

On August 25, 1920, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Southland Cotton Oil Co., a corporation, Waxahachie, Tex., alleging shipment by said company, on or about September 13, 1918, in violation of the Food and Drugs Act, as amended, from the State of Texas into the State of Kansas, of a quantity of cracked cottonseed feed which was misbranded. The article was labeled in part: "100 Lbs. Net Cracked Cotton Seed Feed No. 5 \* \* \* Manufactured By Southland Cotton Oil Co. Waxahachie, Texas \* \* \*"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 36.31 per cent of protein and 15.06 per cent of crude fiber. Examination of 27 sacks by said bureau showed that the average net weight of the sacks examined was 98.3 pounds.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "100 Lbs. Net" and "Guaranteed Analysis: Protein (not less than) 38.5-10% \* \* \* Crude Fiber (not more than) 14%," borne on the tags attached to the sacks containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that they represented that each of the said sacks contained not less than 100 pounds of the article and that the said article contained not less than 38.5 per cent of protein and not more than 14 per cent of crude fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said sacks contained not less than 100 pounds of the article, and that it contained not less than 38.5 per cent of protein and not more than 14 per cent of crude fiber,



whereas, in truth and in fact, each of the said sacks did contain less than 100 pounds of the article and the said article did contain less than 38.5 per cent of protein and more than 14 per cent of crude fiber. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 16, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10625. Misbranding of canned shrimp. U. S. \* \* \* v. Dunbar-Dukate Co., a Corporation. Plea of guilty. Fine, \$60. (F. & D. No. 12796. I. S. Nos. 17361-r, 17367-r, 17368-r.)**

On December 4, 1920, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Dunbar-Dukate Co., a corporation, New Orleans, La., alleging shipment by said company, on or about October 15, 1919, in violation of the Food and Drugs Act, as amended, from the State of Louisiana into the District of Columbia, of quantities of canned shrimp which was misbranded. A portion of the article was labeled in part: (Can) "Dunbar's Barataria Shrimp Net Weight 5 Ozs." (or "8½ Ozs.") "Packed By G. W. Dunbar's Sons Branch Dunbar-Dukate Co. New Orleans, La. - Biloxi, Miss. \* \* \*". The remainder of the article was labeled in part: (Can) "\* \* \* Dunbar's Pickled Shrimp Net Weight 5½ Ozs. \* \* \*".

Examination of samples of the article by the Bureau of Chemistry of this department showed that the average net weight of 7 cans of the 5-ounce size was 4.56 ounces; that the average net weight of 4 cans of the 5½-ounce size was 5.49 ounces; and that the average net weight of 4 cans of the 8½-ounce size was 8.11 ounces.

Misbranding of the article was alleged in substance in the information for the reason that the respective statements, to wit, "Net Weight 5 Ozs.," "Net Weight 8½ Ozs.," and "Net Weight 5½ Ozs.," borne on the cans containing the article, regarding the said article, were false and misleading in that the said statements represented that each of the said cans contained 5 ounces, 8½ ounces, or 5½ ounces, as the case might be, of the said article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained 5 ounces, 8½ ounces, or 5½ ounces, as the case might be, of the said article, whereas, in truth and in fact, each of the said cans did not contain the amount stated thereon but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 9, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$60.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10626. Adulteration and misbranding of sweetener. U. S. \* \* \* v. 10 Cans of Alleged Sweetener. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13002. I. S. Nos. 290-r, 9878-r. S. No. E-2416.)**

On or about July 9, 1920, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 cans of alleged sweetener, at High Point, N. C., alleging that the article had been shipped by the W. B. Wood Drug [Mfg.] Co., St. Louis, Mo., June 11, 1920, and transported from the State of Missouri into the State of North Carolina, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that saccharin had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that it contained an added poisonous or deleterious ingredient, saccharin, which might render it injurious to health.

Misbranding was alleged in substance for the reason that the cans containing the article bore the following label, "Wood's Special Concentrated Sweetener. 500-500 Soluble in Cold Water. Not sold as a drug. \* \* \* 1 Pound of Con-



centrated Sweetener in 7 Pints of Water, then each ounce of this solution is equal to about 4 Pounds of Sugar," which statements were false and misleading, in that the said article contained a mixture of sucrose, starch, and soda-saccharin; and for the further reason that the said label was false and misleading and deceived and misled the purchaser, in that the article was represented as being 500 times sweeter than sugar, when it was not. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article.

On December 17, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10627. Misbranding of Allan's red wash and of Parrott mixture. U. S. \* \* \* v. 7 Packages of Allan's Red Wash and 14 Packages of Parrott Mixture \* \* \*. Default decree adjudging the products to be misbranded and ordering their destruction. (F. & D. No. 13018. I. S. Nos. 260-r, 261-r. S. Nos. E-2417, E-2418.)**

On July 22, 1920, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 7 packages of Allan's red wash and sandalwood emulsion compound and 14 packages of Parrott mixture, at Asheville, N. C., alleging that the articles had been shipped by Allan-Pfeiffer Chemical Co., East St. Louis, Ill., July 18, 1920, and transported from the State of Illinois into the State of North Carolina, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the red wash and sandalwood emulsion compound consisted of two preparations, one of which (the red wash) contained zinc sulphate, boric acid, a phenol, eucalyptol, a trace of alkaloid, and water, and the other (sandalwood emulsion compound) contained santal oil, mineral oil, methyl salicylate, copaiba, small amounts of magnesium and calcium salts, and water; and that the Parrott mixture consisted of an emulsion of turpentine oil, methyl salicylate, camphor, copaiba, gum, and water.

Misbranding of the articles was alleged in substance in the libel for the reason that certain statements appearing on the carton containing the Allan's red wash and on the label of the bottle and on the carton containing the Parrott mixture, regarding the curative and therapeutic effects of the respective articles, falsely and fraudulently represented that the said Allan's red wash was effective as a remedy for gonorrhea and gleet, and that it was all that was needed in the treatment of gonorrhea, and that the said Parrott mixture would relieve gonorrhea and gleet in from two to five days, whereas the said articles contained no ingredient or combination of ingredients capable of producing the effects claimed.

On August 24, 1921, no claimant having appeared for the property, judgment of the court was entered finding the products to be misbranded and ordering their destruction by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10628. Adulteration and misbranding of vinegar. U. S. \* \* \* v. 4 Barrels of Vinegar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13031. I. S. No. 14655-r. S. No. E-2421.)**

On July 20, 1920, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 barrels of vinegar, at Bridgeton, N. J., alleging that the article had been shipped by the Powell Corp., Philadelphia, Pa., on or about March 26, 1920, and transported from the State of Pennsylvania into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "\* \* \* Apple Cider Vinegar Philadelphia Vinegar Co. \* \* \*."

Adulteration of the article was alleged in the libel for the reason that apple waste vinegar had been mixed and packed with and substituted wholly or in part for cider vinegar, which the said article purported to be.

Misbranding was alleged in substance for the reason that the statements on the label of the barrel containing the article, to wit, "40 Grain Pure Apple Cider Vinegar \* \* \* Fermented Apple Vinegar \* \* \*," were false and

misleading and deceived and misled the purchaser into the belief that the article was pure apple cider vinegar, when it was not but was an apple waste vinegar. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article.

On July 11, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10629. Misbranding of Hooper's female pills. U. S. \* \* \* v. 31 Packages of \* \* \* Hooper's Female Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13215. I. S. No. 6282-t. S. No. E-2481.)**

On August 18, 1920, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 31 packages of Hooper's female pills, at Newark, N. J., alleging that the article had been shipped by the Horace B. Taylor Co., Philadelphia, Pa., on or about February 19, 1920, and transported from the State of Pennsylvania into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted essentially of aloes and iron sulphate.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements regarding the curative and therapeutic effects of the said article, appearing in the wrapper enclosing the same, " \* \* \* opening obstructions of the vessels \* \* \* cure of disorders peculiarly incident to the Female Sex \* \* \* remedy against those general complaints the Female Sex are subject to; \* \* \* cleanse, purify, and cause a free circulation of the blood, \* \* \* open those obstructions which Virgins are liable to, \* \* \* best \* \* \* for \* \* \* the irregularities, \* \* \* for the palpitation of the heart, giddiness, loathing of food, bad digestion, pains of the stomach, heating of the arteries of the neck, short breath \* \* \* scurvy \* \* \* should be taken by all women at the age of forty-five \* \* \* to prevent those disorders that usually attend them at that time. \* \* \* sovereign remedy \* \* \* in all hypochondriac, hysterick, or vapourish disorders, \* \* \* strengthen the nerves, \* \* \* for \* \* \* obstruction of \* \* \* courses \* \* \* continue their use until the end is answered \* \* \*," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On July 11, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10630. Misbranding of Warner's Knoma oil. U. S. \* \* \* v. The Warner Remedy Co., a Corporation. Plea of guilty. Fine, \$200 and costs. (F. & D. No. 8106. I. S. No. 12923-1.)**

On April 30, 1917, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Warner Remedy Co., a corporation, Chicago, Ill., alleging shipment by said company, on or about February 9, 1916, in violation of the Food and Drugs Act, as amended, from the State of Illinois into the State of Ohio, of a quantity of Warner's Knoma oil which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was composed essentially of linseed oil, camphor, and ether.

Misbranding of the article was alleged in substance in the information for the reason that certain statements regarding the curative or therapeutic effects of the said article, appearing on the label of the can containing the same, falsely and fraudulently represented it to be effective as a remedy for treating diseases of germ origin affecting horses and other animals, as a remedy for lung fever, catarrhal fever, distemper, pink eye, and heaves, and as a preventive of epidemics, when, in truth and in fact, it was not.



On October 16, 1919, a plea of guilty to the information was entered on behalf of the defendant company, and on October 25, 1921, the court imposed a fine of \$200 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10631. Adulteration of tomato catsup. U. S. \* \* \* v. 70 Cases \* \* \* of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 8642. I. S. No. 3309-p. S. No. E-928.)

On November 28, 1917, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 70 cases, each containing 6 cans, of tomato catsup, remaining unsold in the original unbroken packages at Scranton, Pa., alleging that the article had been shipped by the Leslie Sauce Co., New York, N. Y., on or about November 13, 1917, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Pride Of Long Island Brand Tomato Catsup \* \* \* Manufacturers The Garret Bergen Co. \* \* \* New York and Bridgeton, N. J. \* \* \*."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance, to wit, decomposed tomatoes.

On July 2, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10632. Adulteration and misbranding of Wood's special concentrated sweetener. U. S. \* \* \* v. 3 Cans, et al, of Wood's Special Concentrated Sweetener. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 12995, 13053. I. S. Nos. 9877-r, 7451-t, 9350-r. S. Nos. E-2412, E-2443.)

On July 6 and 20, 1920, respectively, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 8 cans of Wood's special concentrated sweetener, at Asbury Park and Long Branch, N. J., respectively, alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., on or about June 11 and 25, 1920, respectively, and transported from the State of Missouri into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Wood's Special Concentrated Sweetener. \* \* \* W. B. Wood Mfg. Co., St. Louis, Mo."

Adulteration of the article was alleged in substance in the libels for the reason that saccharin had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article contained an added poisonous or deleterious ingredient, to wit, saccharin, which might render it injurious to health.

Misbranding was alleged in substance for the reason that the statement on the label of the can containing the article, "\* \* \* Special Concentrated Sweetener 500," was false and misleading and deceived and misled the purchaser, in that it represented the article as being 500 times sweeter than sugar, when it was not. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article.

On July 11, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10633. Misbranding of Vigoron. U. S. \* \* \* v. 42 Dozen Bottles of \* \* \* Vigoron. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 13330. I. S. No. 10060-t. S. No. W-667.)

On August 18, 1920, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the



District Court of the United States for said district a libel for the seizure and condemnation of 42 dozen bottles of Vigoron, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Sydney Ross Co., New York, N. Y., in part on November 29, 1919, and in part on April 30, 1920, and transported from the State of New York into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article was alleged in substance by the Bureau of Chemistry of this department showed that it consisted of sugar-coated pills containing compounds of iron, manganese, zinc, arsenic, phosphorus, and strychnine.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements appearing on the label of the bottle containing the said article and in the accompanying wrapper and circular, (wrapper) (English and Spanish) " \* \* \* A Blood Making and Purifying Tonic for \* \* \* Neurasthenia \* \* \*," (bottle label) (English and Spanish) " \* \* \* For \* \* \* Neurasthenia, \* \* \* General Debility \* \* \*"(circular) (English) " \* \* \* The Supreme Blood and Nerve Tonic. Recommended for \* \* \* Neurasthenia, Nervous Irritability, \* \* \* Impotence, Irregular Menstruation, \* \* \* and General Conditions of Debility. \* \* \* Vigoron will bring about marked improvement when taken for the symptoms mentioned \* \* \* Asthma. \* \* \* Boils and Carbuncles. \* \* \* Change of Life or Menopause. \* \* \* Irregular Menstruation, \* \* \* Chronic Malaria. \* \* \* Chronic Rheumatism. \* \* \* Debility. \* \* \* Spermatorrhoea, impotence, lost vitality, nervous weakness, neurasthenia, despondency. \* \* \* Disorders of Menstruation. \* \* \* Delayed, Scanty, painful or too profuse menstruation \* \* \* take \* \* \* before the expected date for menstruation and continue taking until three days after the flow has stopped. \* \* \* Leucorrhoea or Whites. \* \* \* Nervous Exhaustion, Nervous Dyspepsia, Nervous Headaches, Nervous Debility \* \* \* The woman who expects to become a mother should not use Vigoron until the fourth month. \* \* \* Rheumatic Gout \* \* \*," (Spanish) "Vigoron Pastillas Invincible Power from Abundance of Blood. A Powerful Making and Purifying Tonic of the Blood for \* \* \* Neurasthenia, General Debility \* \* \* Nervous Dyspepsia, Impotency, and Blood and Nerve Disorders. \* \* \* Vigoron will relieve the symptoms for which it is recommended \* \* \* Disorders of Menstruation. Retarded, painful or very abundant \* \* \* irregular menstruation \* \* \* Vigoron \* \* \* should be taken \* \* \* preceding the date when the menses will or are supposed to come and \* \* \* until the flow ceases. Ladies \* \* \* approaching the change of life \* \* \* should take Vigoron \* \* \* until the nervous symptoms disappear \* \* \* Retarded menstruation \* \* \* may likewise be stimulated. Pregnant women should take care not to use complete doses of Vigoron until after the fourth month of pregnancy. \* \* \* Leucorrhoea can be cured using six tablets a day \* \* \* Nervous Debility or Neurasthenia, Nervous Exhaustion \* \* \* persons \* \* \* may acquire nervous exhaustion by sexual abuses, by a prolonged genetic excitement and abuse of such sensations during youth \* \* \* ladies suffer menstrual disorders as well as ovarian. In men impotence to effect natural necessities of his sex, extreme organic weakness after satisfying them, or premature flows occur. \* \* \* Nervous Dyspepsia. \* \* \* Boils. \* \* \* Nervous Headache. \* \* \* furuncles. \* \* \* Rheumatic Gout. \* \* \* Herpes of Internal Origin. \* \* \* Intestinal Indigestion. \* \* \* Chronic Paludism. \* \* \* Chronic Rheumatism. \* \* \* Pulmonary Tuberculosis \* \* \*," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On May 9, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10634. Misbranding of Dr. Martel's female pills. U. S. \* \* \* v. 188 Boxes of \* \* \* Dr. Martel's Female Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 13351, 13352. I. S. Nos. 10356-t, 10057-t. S. Nos. W-655, W-656.)**

On August 18, 1920, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and

condemnation of 188 boxes of Dr. Martel's female pills, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the French Drug Co., New York, N. Y., in three separate consignments, namely, April 29, May 6, and June 28, 1920, respectively, and transported from the State of New York into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills contained savin oil, iron sulphate, and iron carbonate.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements appearing in the labeling of the said article, (box label) " \* \* \* Female Pills \* \* \* For (Suppression Of The Menses) Dysmenorrhoea (Painful Menstruation) And Similar Functional Derangements," (circular) " \* \* \* Female Pills \* \* \* for Disturbances Of The Menstrual Functions \* \* \* For Amenorrhoea (Suppression of the Menses \* \* \*) \* \* \* treatment \* \* \* should be continued until relief is obtained. For Dysmenorrhoea (Painful or Scanty Menstruation) \* \* \* our medicine will be found to give lasting benefit and genuine relief. \* \* \* To prevent difficult, painful, over-profuse and other morbid menstrual conditions, and keep this important function normal, take \* \* \* for a few days before the expected re-appearance of the menstrual flow \* \* \*," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On May 9, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10635. Misbranding of Wendell's Ambition Brand pills. U. S. \* \* \* v. 144 Packages, et al, of Wendell's Ambition Brand Pills. Default decree of condemnation, forfeiture, and destruction.** (F. & D. Nos. 13657, 13658. I. S. Nos. 10355-t, 10055-t. S. Nos. W-760, W-762.)

On September 7, 1920, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 46 dozen, large and small, packages of Wendell's Ambition Brand pills, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Wendell Pharmacal Co., Syracuse, N. Y., in three consignments, namely, on or about September 9, 1919, and February 2 and April 6, 1920, respectively, and transported from the State of New York into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of plant tissues and extracts, including nux vomica and cinchona, phosphorus, aloin, and spices, coated with a mixture of sugar and calcium carbonate and colored with a red dye.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements appeared in the labeling of the said article, (cartons, both sizes) " \* \* \* Pills Ambition Brand. Beneficial in the treatment of \* \* \* Nervous Debility, Sleeplessness, Despondency, Mental Depression, Hysteria, Nervous Headaches, Dyspepsia, Indigestion, \* \* \* Affections of the Nervous System," which statements were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On May 9, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10636. Misbranding of Robert J. Pierce's tansy, cotton root, pennyroyal, and apiol tablets. U. S. \* \* \* v. 476 Boxes of \* \* \* Robert J. Pierce's Tansy, Cotton Root, Pennyroyal, and Apiol Tablets. Default decree of condemnation, forfeiture, and destruction.** (F. & D. Nos. 13363, 13364. I. S. Nos. 10359-t, 10061-t. S. Nos. W-657, W-689.)

On August 18, 1920, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure



and condemnation of 476 boxes of Robert J. Pierce's tansy, cotton root, pennyroyal, and apiol tablets, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped from New York, N. Y., in part by Samuel G. McComer & Co., March 16, 1920, and in part by Robert J. Pierce, February 7 and March 16, 1920, respectively, and transported from the State of New York into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the tablets contained iron sulphate, aloin, and pennyroyal oil.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements appearing in the label of the box containing the said article and in the accompanying circular, (box) " \* \* \* Tansy, Cotton Root, Pennyroyal and Apiol Tablets \* \* \* A Safe Emmenagogue, Always Reliable And Effective. The Best Known Remedy For The Suppression Of The Menstrual Function," (circular) " \* \* \* Tansy, Cotton Root, Pennyroyal and Apiol Tablets \* \* \* The Celebrated Female Regulator \* \* \* Delayed Menstruations When the suppression is of long standing, \* \* \* take one \* \* \* until four days before the time when the menses should appear. \* \* \* immediately preceding the expected appearance of the menstrual flow, active treatment should begin. Take one tablet three times daily, \* \* \* follow \* \* \* instructions \* \* \* until the desired result is obtained. \* \* \* Irregularities Where the menses are not regular, \* \* \* are invaluable. Take \* \* \* before the expected appearance of the menstrual flow [period]," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On May 9, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10637. Misbranding of Palmo tablets. U. S. \* \* \* v. 84 Boxes of \* \* \* Palmo Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 13666, 13667. I. S. Nos. 10374-t, 10375-t. S. Nos. W-764, W-765.)**

On September 8, 1920, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 84 boxes of Palmo tablets, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped in part by the McCullough Drug Co., Lawrenceburg, Ind., on or about May 29, 1920, and in part by the Williams Mfg. Co., Cleveland, Ohio, June 18, 1920, and transported from the States of Indiana and Ohio, respectively, into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the tablets contained extracts of plant drugs, including nux vomica and damiana, iron phosphate, and a trace of phosphorus, coated with sugar.

Misbranding of the article was alleged in substance in the libel for the reason that it was labeled on the box containing the said article and in the accompanying circular as follows. (box) " \* \* \* a \* \* \* remedy for many Nervous Disorders \* \* \* irritability, weakness, depression, etc. \* \* \* for men or women who are run-down generally and who lack energy or ambition," (circular) " \* \* \* No one can attain \* \* \* success \* \* \* without an abundance of vitality or nerve force \* \* \* excesses of the usual kind \* \* \* may bring about this condition. \* \* \* we have \* \* \* reliable treatment for just such cases. \* \* \* Palmo Tablets re-animate and re-vitalize. They are \* \* \* for Nervous Exhaustion or Debility, Depression or Despondency, Irritability, Fretfulness, Fidgets, Lack of Tone \* \* \*," which statements were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On May 9, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*



**10638. Misbranding of Red Cross tansy pills. U. S. \* \* \* v. 2 Dozen Packages of \* \* \* Red Cross Tansy Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13749. I. S. No. 10372-t. S. No. W-758.)**

On October 2, 1920, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 dozen packages of Red Cross tansy pills, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the McCullough Drug Co., Lawrenceburg, Ind., March 2, 1920, and transported from the State of Indiana into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted essentially of aloes and iron sulphate with a coating of sugar, iron oxid, and calcium carbonate.

It was alleged in substance in the libel that the article was misbranded in that it was labeled in part on the carton containing the said article and in the accompanying booklet, as follows, (carton) " \* \* \* Relieves Cases of obstructions of long standing and the Regulation of Female Complaints," (booklet) " \* \* \* Sure Relief in cases of obstructions of long standing and the Regulation of all Female Complaints \* \* \* safe and sure as a monthly regulator. \* \* \* Suppression of menstruation \* \* \* The object of this remedy is to relieve this abnormal condition, and long experience in its use has demonstrated beyond a doubt its efficacy. \* \* \* no experiment, but an assured success, and all who require a remedy of this kind should use Red Cross Tansy Pills. \* \* \* For Suppressed Menstruation, For Painful Menstruation, And a Preventive For Irregular Menstruation. \* \* \* They always are sure and leave no bad effects. \* \* \* They are undoubtedly a great help to those who need them. \* \* \* They work like magic. \* \* \* Sure Cure \* \* \*," which statements were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On May 9, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10639. Misbranding of M. I. S. T. No. 2 nerve tonic. U. S. \* \* \* v. 15 Dozen Packages of \* \* \* M. I. S. T. No. 2 Nerve Tonic. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 13769, 13770. I. S. Nos. 10476-t, 10477-t. S. Nos. W-777, W-778.)**

On October 8, 1920, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on October 26, 1920, an amended libel, praying the seizure and condemnation of 15 dozen packages of M. I. S. T. No. 2 nerve tonic, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Williams Mfg. Co., Cleveland, Ohio, in part June 18, 1920, and in part July 8, 1920, and transported from the State of Ohio into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of aloes, calomel, a laxative plant drug, and a small amount of methyl salicylate, in gelatin capsules.

Misbranding of the article was alleged in substance in the libel, as amended, for the reason that it was labeled in part on the box containing the said article and in the accompanying wrapper and circular as follows, (box label and bottle wrapper) "M. I. S. T. \* \* \* Nerve \* \* \*," (circular) "M. I. S. T. \* \* \* Nerve \* \* \* For Blood Diseases \* \* \* For Syphilis or Venereal Diseases, Dropsy, Gout, Rheumatism, Tumors, Ulcers, Scrofula, Swellings, Ulcerated Sore Throat, Erysipelas, Cancer or Cancerous Tumors and Inflammation of the Bladder, Stricture and Varicocele \* \* \* For Nervous Diseases \* \* \* M. I. S. T. No. 2 \* \* \* an aid in the treatment of Nervous Diseases \* \* \*," which statements were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On May 9, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10640. Adulteration of bran and misbranding of oat feed. U. S. \* \* \* v. 400 Sacks of Bran and 600 Sacks of Oat Feed. Default decree of condemnation, forfeiture, and destruction with respect to 20 sacks of bran; remaining 380 sacks released, by consent, to claimant, as salvaged portion. Consent decree of condemnation and forfeiture with respect to 600 sacks of oat feed. Product released under bond. (F. & D. Nos. 648-c, 649-c. I. S. Nos. 4947-t, 4948-t.)**

On September 8, 1921, the United States attorney for the Eastern District of Wisconsin, acting upon reports by officials of the Department of Agriculture of the State of Wisconsin, filed in the District Court of the United States for said district libels for the seizure and condemnation of 400 sacks of bran and 600 sacks of oat feed, remaining unsold in the original unbroken packages at New Holstein and Milwaukee, Wis., respectively, alleging that the former had been shipped by the Hormel Milling Co., Austin, Minn., on or about August 20, 1921, and that the latter had been shipped by the National Oats Co., Cedar Rapids, Iowa, on or about August 23, 1921, and that the said articles had been transported from the States of Minnesota and Iowa, respectively, into the State of Wisconsin, and charging that the said bran was adulterated and the said oat feed was misbranded in violation of the Food and Drugs Act, as amended. The bran was labeled in part, "Red Seal Pure Wheat Bran \* \* \*."

Adulteration of the bran was alleged in substance in the libel for the reason that it consisted in part of a filthy, decomposed, or putrid vegetable substance, which had been mixed and packed with the said bran so as to reduce and lower and injuriously affect its quality.

Misbranding of the oat feed was alleged in substance for the reason that the quantity of the contents of the sacks containing the article was not plainly and conspicuously marked on the outside of the said sacks in terms of weight, measure, or numerical count.

On October 18, 1921, no claimant having appeared for 20 sacks of the said bran, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the said portion be destroyed by the United States marshal. On the same date, by agreement, a decree of the court was entered ordering the release of the remaining 380 sacks of the said bran to the claimant, the Hormel Milling Co., Austin, Minn., as a salvaged portion of the said product. On September 12, 1921, E. P. Mueller, Chicago, Ill., claimant, having admitted all material allegations of the libel with respect to the said oat feed and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the said oat feed be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10641. Misbranding of Madame Dean female pills. U. S. \* \* \* v. 3 Packages of \* \* \* Madame Dean Female Pills (Ordinary), et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13576. I. S. Nos. 6286-t, 6287-t. S. No. E-2566.)**

On September 2, 1920, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 packages of Madame Dean female pills (ordinary) and 3 packages of Madame Dean female pills (special), at Elizabeth, N. J., alleging that the article had been shipped by the United Medical Co., Lancaster, Pa., on or about the month of June, 1920, and transported from the State of Pennsylvania into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Box label and wrapper) " \* \* \* Female Pills \* \* \* give relief in Female Disorders of the menstrual functions. \* \* \* for Painful, Irregular and Scanty Menstruation "; (booklet) " \* \* \* irregular, prolonged, or suppressed menstruation. \* \* \* Female Pills afford relief for these ailments. \* \* \* a remedy intended solely for the relief of Amenorrhoea, Dysmenorrhoea, scanty and irregular menstruation, and other derangements of the reproductive system, \* \* \* especially valuable in the functional changes \* \* \* of the menopause or change of life. \* \* \* act on the circulatory system of the uterus, thereby relieving painful, irregular and scanty menstruation and assist in re-establishing or restoring, the menstrual or monthly periods. \* \* \* strengthen and build up the uterine function. \* \* \* "; (circular) " \* \* \* a great relief against those general complaints the Female Sex is subject to; they help increase the vital quality of the blood; assist to bring nature into its



proper channel, \* \* \* for irregular, painful, scanty or suppressed menstruations, \* \* \* should be taken \* \* \* to assist nature with \* \* \* disorders \* \* \* during the change of life period. \* \* \* Continue with the treatment until they give relief. \* \* \* great relief from Pains or Headache; \* \* \* for suppressed Menstruation, \* \* \* continue their use until relieved \* \* \* take \* \* \* until the menstrual flow commences again."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the special strength pills contained quinine, aloes, iron sulphate, senecio flowers and herb, ginger, and cornstarch; and that the single strength pills contained quinine, aloes, iron sulphate, hydrastis, ginger, and cornstarch.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements regarding the curative and therapeutic effects of the said article were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On July 11, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10642. Adulteration of liquid whole eggs. U. S. \* \* \* v. 289 Cases, Containing 578 Cans, of Liquid Whole Eggs. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 13764. I. S. No. 7513-t. S. No. E-2816.)

On December 15, 1920, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 289 cases, containing 578 cans, of liquid whole eggs, at Jersey City, N. J., alleging that the article had been shipped by the Parsons Poultry & Egg Co., Parsons, Kans., on or about June 22, 1920, and transported from the State of Kansas into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "National Poultry and Egg Co. Atchison, Kansas, Packers. Pure Sweet Wholesome Eggs \* \* \*."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On December 20, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10643. Misbranding of Grantillas. U. S. \* \* \* v. 16½ Dozen Bottles of \* \* \* Grantillas. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 13865. I. S. No. 10479-t. S. No. W-789.)

On November 15, 1920, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on November 22, 1920, an amended libel, praying the seizure and condemnation of 16½ dozen bottles of Grantillas, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Dr. Richards Dyspepsia Tablet Assoc., New York, N. Y., in part March 9, 1920, and in part June 23, 1920, and transported from the State of New York into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of tablets containing extracts of plant drugs, including cramp bark and a laxative drug.

Misbranding of the article was alleged in substance in the libel for the reason that it was labeled in part on the bottle containing the said article and in the accompanying wrapper and circular as follows, (bottle) "\* \* \* A medicine prepared especially for diseases affecting ladies and young ladies. Grantillas contains the elements required by the genital organs of women," (wrapper) "\* \* \* A medicine prepared especially for diseases affecting ladies and young ladies. Grantillas contain precisely the elements required



by the genital organs of women \* \* \* the best existing uterine tonic. \* \* \*

(circular) " \* \* \* Grantillas are a special medicine for diseases of ladies and young ladies. \* \* \* for peculiar diseases of the female sex \* \* \*

Menstrual irregularities \* \* \* When there is absolute absence or scarcity of the flow Grantillas should be regularly taken \* \* \* until the function is duly restored. \* \* \* (when there is anemia or some form of debilitating disease), Grantillas should be used \* \* \* until you are cured. \* \* \*

Grantillas are not a drastic emmenagogue, but \* \* \* produce their effect gradually \* \* \*

The restorative effects of Grantillas are produced when the medicine is administered regularly \* \* \* as the general health is restored the symptoms \* \* \* will indicate that the flow will occur or will be restored. \* \* \*

To tone up the debilitated pelvic organs there is no other specific as commendable as Grantillas. \* \* \* take them persistently \* \* \* to radically correct the debilitated condition of these organs. \* \* \*

Uterine colic, painful flow generally known as pain of menstruation. \* \* \*

For the radical cure of this disease, whether in congestive, inflammatory or neuralgic form, Grantillas are a true specific which corrects the abnormal condition causing the trouble and obviating the necessity of suffering every month from terrible pain \* \* \* take \* \* \*

Grantillas \* \* \* and \* \* \* continue \* \* \* for a few weeks. It frequently happens that a cure is effected in four or five weeks; but in the majority of them more time is required. The patient will in the end not be disappointed and will be able to enjoy life and to attend to her obligations. \* \* \*

Leucorrhea (White Flow) \* \* \* a reconstituent medicine and a special uterine tonic, \* \* \*

We do not know any other deserving such a definition so justly as Grantillas. \* \* \*

Grantillas are very especially indicated in leucorrhea besides being most valuable in other ailments of the genital organs of women. Use them regularly \* \* \* if you care to cure all troubles causing leucorrhea. \* \* \*

Any disease of the uterus or vagina \* \* \*

Grantillas are especially prepared for the cure of these diseases \* \* \* it is indispensable to take Grantillas \* \* \*

In anemia and chlorosis Grantillas act as a first class general tonic and \* \* \* should be perseverantly taken \* \* \*

Nervous debility (nervousness) \* \* \*

When \* \* \* nervous disease is due to or is complicated with a disease of the womb or ovaries, Grantillas are indicated as a specific for the special diseases of the female sex. \* \* \*

diseases of the ovaries \* \* \*

Use Grantillas constantly \* \* \*

Deviation of the uterus \* \* \*

falling or prolapse of the womb \* \* \*

all kinds of uterine deviation \* \* \*

As a restorative and uterine tonic eminently applicable in these cases, there is nothing which will surpass Grantillas \* \* \*

Sterility \* \* \*

Take Grantillas persistently and without disappointment. We have seen cases in which five or six bottles have produced the desired result; but generally they should be taken during some time \* \* \*

also assists greatly in the general health \* \* \*

Dyspepsia \* \* \*

Grantillas should be taken \* \* \*

enriching the blood with a special tonic as Grantillas \* \* \*

Hysteria \* \* \*

is cured, no matter what its cause may be, with the use of Grantillas \* \* \*

To prevent abortion \* \* \*

after abortion \* \* \*

commence the use of Grantillas \* \* \*

continue taking Grantillas \* \* \*

until \* \* \*

strong and robust \* \* \*

take Grantillas \* \* \*

when \* \* \*

pregnant again \* \* \*

We can assure the ladies that the healthful effects of Grantillas in cases of this kind have been demonstrated and proven hundreds of times. Maternity \* \* \*

an adequate preparation taken during pregnancy generally results in easy labor and free from horror \* \* \*

acquiring force locally and generally with the use of a special medicine like Grantillas. These \* \* \*

render vigor and act directly upon the delicate female organism making it able for the performance of its functions at all times. \* \* \*

also promotes the secretion of abundant nutrition for the infant, if taken after partus, and they also increase the force and general health of the mother. \* \* \*

Death of fetus. Premature labor. Grantillas have rendered surprising results in these cases. \* \* \*

the special medicine for the female sex (Grantillas) \* \* \*

Our aim \* \* \*

is to publish the merits of Grantillas as a special medicine for ladies and young ladies. \* \* \*

Every one of the components of Grantillas tends to render health, force, vigor, and complete satisfaction to women. The combination is unrivaled. \* \* \*," which statements were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On May 9, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10644. Adulteration of frozen eggs. U. S. \* \* \* v. 838 Cans \* \* \* of Frozen Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14287. I. S. Nos. 6520-t. S. No. E-3122.)**

On February 9, 1921, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 838 cans of frozen eggs, remaining in the original unbroken packages at Jersey City, N. J., alleging that the article had been shipped by the J. A. Long Co., Celina, Ohio, on or about December 18, 1920, and transported from the State of Ohio into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On December 20, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10645. Adulteration and misbranding of canned tuna. U. S. \* \* \* v. White Star Canning Co., a Corporation. Plea of guilty. Fine, \$100. (F. & D. No. 14353. I. S. Nos. 13518-r, 13519-r, 14083-r, 14158-r, 14159-r, 14160-r, 14161-r.)**

On June 13, 1921, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the White Star Canning Co., a corporation, East San Pedro, Calif., alleging shipment by said company, on or about September 13, 18, and 23, 1919, respectively, in violation of the Food and Drugs Act, as amended, from the State of California into the State of New York, of quantities of canned tuna, a portion of which was misbranded and the remainder of which was adulterated and misbranded. The articles were labeled in part, variously: (Cans) "White Star Brand Tuna Fish \* \* \* Packed \* \* \* By White Star Canning Co., Los Angeles, Cal. \* \* \* Net Contents 7 Ounces" (or "13 Oz."); "Premier Tuna Fish \* \* \* Contents 13 Avoir. Oz. \* \* \*"; "Radio Brand Blue Fin White Meat Tuna \* \* \* White Star Canning Co. San Pedro, Cal."

Examination of samples of the articles by the Bureau of Chemistry of this department showed an average net weight of 6.8 ounces on 30 cans, 7-ounce size, of the White Star brand, an average net weight of 12.2 ounces on 36 cans, 13-ounce size, White Star brand, and an average net weight of 12.5 ounces on 10 cans of the Premier brand, labeled "13 Avoir. Oz."

Adulteration of the article labeled "Radio Brand" was alleged in the information for the reason that striped tuna or skip jack had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted wholly or in part for blue fin tuna, which the said article purported to be.

Misbranding of the said Radio brand was alleged for the reason that the statements, to wit, "Blue Fin Tuna" and "Blue Fin White Meat Tuna," borne on the cases and cans, respectively, containing the article, regarding the said article, were false and misleading in that the said statements represented that the article consisted wholly of blue fin white meat tuna, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of blue fin white meat tuna, whereas, in truth and in fact, it did not so consist but did consist in part of striped tuna or skip jack. Misbranding of the said Radio brand was alleged for the further reason that it was a mixture composed in part of striped tuna or skip jack, prepared in imitation of, and offered for sale and sold under the distinctive name of, another article, to wit, blue fin white meat tuna. Misbranding of the articles labeled White Star brand and Premier brand, respectively, was alleged in substance in the information for the reason



that the statements, to wit, "Net Contents 7 Ounces," "Net Contents 13 Ozs.," and "13 Avoir. Oz.," borne on the labels attached to the cans containing the said articles, regarding the articles, were false and misleading in that the said statements represented that each of the said cans contained 7 ounces net, 13 ounces net, or 13 ounces avoirdupois, as the case might be, of the said articles, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained 7 ounces net, 13 ounces net, and 13 ounces avoirdupois, as the case might be, of the said articles, whereas, in truth and in fact, each of the said cans contained less than the amount declared on the said labels. Misbranding of the said White Star brand and Premier brand was alleged for the further reason that they were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On June 26, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10646. Adulteration and misbranding of cumin seed. U. S. \* \* \* v. One Barrel \* \* \* of Cumin Seed. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15823. Inv. No. 34454. S. No. C-3493.)**

On March 29, 1922, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of one barrel of cumin seed, remaining unsold in the original unbroken package at St. Louis, Mo., alleging that the article had been shipped from Indianapolis, Ind., on or about March 11, 1922, and transported from the State of Indiana into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Ground Comino James H. Forbes, Tea and Coffee Company, St. Louis \* \* \*."

Adulteration of the article was alleged in the libel for the reason that added sand had been mixed and packed with and substituted for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On May 3, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10647. Adulteration and misbranding of cumin seed. U. S. \* \* \* v. One Drum and One Barrel \* \* \* of Cumin Seed. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 15898, 15911. Inv. Nos. 34070, 34072. S. Nos. C-3392, C-3398.)**

On January 7 and 10, 1922, respectively, the United States attorney for the Eastern District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of one drum and one barrel of cumin seed, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped from Indianapolis, Ind., on or about December 19 and 29, 1921, respectively, and transported from the State of Indiana into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libels for the reason that it consisted in whole or in large part of mineral matter of a gritty nature which had been packed with and substituted for ground cumin.

Misbranding was alleged in substance for the reason that the statement, "Ground Cumin Seed," appearing on the respective labels of the drum and barrel containing the said article, was false and misleading and deceived and misled the purchaser into the belief that the article consisted wholly of ground cumin seed, whereas, in truth and in fact, it contained added mineral matter.

On April 27, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*



**10648. Misbranding of Parrott sexual pills. U. S. \* \* \* v. 6 Boxes \* \* \* of \* \* \* Parrott Sexual Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15901. Inv. No. 34231. S. No. C-3395.)**

On January 9, 1922, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 6 boxes of Parrott sexual pills, remaining in the original packages at Birmingham, Ala., alleging that the article had been shipped by the Allan-Pfeiffer Chemical Co., St. Louis, Mo., about April 14, 1921, and transported from the State of Missouri into the State of Alabama, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills contained strychnine and a compound of iron and phosphorus, coated with calcium carbonate.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements regarding the curative and therapeutic effects of the said article, appearing on the label of the box containing the article and in the accompanying circular, "\* \* \* Sexual Pills \* \* \* Recommended For Hysteria, Dizziness, Nervous Prostration, Nervous Debility And General Weakness \* \* \*," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 16, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10649. Misbranding of olive oil. U. S. \* \* \* v. 304 Tins \* \* \* of \* \* \* Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15978. I. S. Nos. 9451-t, 9452-t, 9453-t, 9454-t, 9455-t. S. No. E-3775.)**

On February 16, 1922, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 304 tins of olive oil, remaining in the original unbroken packages at Charleston, S. C., alleging that the article had been shipped by the Nasiacos Importing Co., Chicago, Ill., on or about December 13, 1921, and transported from the State of Illinois into the State of South Carolina, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Tins) "Athlete Brand Pure Olive Oil \* \* \* Nasiacos Importing Co., Chicago, Peraeus \* \* \*"

Misbranding of the article was alleged in substance in the libel for the reason that the following statements appearing on the respective tins containing the article, "Contents 1/16 Gallon," "Contents 1/8 Gallon," "Contents 1/4 Gallon," "Contents 1/2 Gallon," and "Contents 1 Gallon," were false and misleading and deceived and misled the purchaser, since the respective tins contained less than the amounts declared. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statements made were not correct.

On June 17, 1922, the case having come for final disposition before the court and a jury and no claimant having appeared for the property, a verdict for the Government was returned, and on June 19, 1922, a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10650. Misbranding of potatoes. U. S. \* \* \* v. Anthony W. Breitenstein (A. W. Breitenstein). Plea of guilty. Fine, \$10. (F. & D. No. 14906. I. S. No. 9712-r.)**

On July 28, 1921, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Anthony W. Breitenstein, trading as A. W. Breitenstein, Stockton, Wis., alleging shipment by said defendant, on or about May 25, 1920, in violation of the Food and Drugs Act, as amended, from the State of Wisconsin into the State of Illinois, of a quantity of potatoes contained in sacks, which were misbranded.

Examination, by the Bureau of Chemistry of this department, of 16 sacks of the article taken from the consignment showed that the average net weight of the said sacks was 141½ pounds.

Misbranding of the article was alleged in substance in the information for the reason that the statement on the label of the sacks containing the article, to wit, "150 Lbs. Potatoes Weighed Into This Sack," was false and misleading in that the said sacks did not contain either separately or on the average 150 pounds net of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that said sacks each contained 150 pounds net of the article, whereas, in truth and in fact, said sacks each contained a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, in that the weight declared was not a correct statement of the quantity of food contained therein.

On April 18, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

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# United States Department of Agriculture.

## SERVICE AND REGULATORY ANNOUNCEMENTS.

### BUREAU OF CHEMISTRY.

### SUPPLEMENT.

N. J. 10651-10700.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., November 15, 1922.]

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

**10651. Adulteration and misbranding of Sparkling Grape Queen. U. S. \* \* \* v. Orchard Queen Co., a corporation. Plea of nolo contendere. Fine, \$25 and costs. (F. & D. No. 14562. I. S. Nos. 6734-r, 6735-r.)**

On June 1, 1921, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Orchard Queen Co., a corporation, Sandusky, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about July 11 and July 16, 1919, respectively, from the State of Ohio into the State of Illinois, of quantities of Sparkling Grape Queen which was adulterated and misbranded. The article was labeled in part, "\* \* \* Sparkling Grape Queen Non-Alcoholic \* \* \* Orchard Queen Co. Sandusky, O. \* \* \*."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it was a fermented grape product to which sugar and water had been added.

Adulteration of the article was alleged in the information for the reason that an uncarbonated mixture of grape juice, sugar, water, and alcohol, preserved with sulphur dioxide, in the case of the product involved in both consignments, and the additional preservative of sodium benzoate, in the case of the product involved in the consignment of July 11, had been substituted in whole or in part for "Sparkling Grape Queen, a combination of selected, unfermented juices," to wit, a sparkling grape juice, which the said article purported to be.

Misbranding was alleged in substance for the reason that the statements, to wit, "sparkling," "non-alcoholic," and "a combination of selected, unfermented juices," borne on the labels attached to the bottles containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the article was a sparkling, non-alcoholic combination of selected, unfermented juices, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a sparkling, non-alcoholic combination of selected, unfermented juices, whereas, in truth and in fact, it was not a sparkling, non-alcoholic combination of selected, unfermented juices, but was a product composed of an uncarbonated mixture of grape juice, sugar, water, and alcohol, preserved, in the case of both consignments, with sulphur dioxide and, in the case of the consignment of July 11, with

the additional preservative of sodium benzoate. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 28, 1922, a plea of nolo contendere to the information was entered on behalf of the defendant company, and on April 24, 1922, the court imposed a fine of \$25 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10652. Misbranding of cottonseed cake. U. S. \* \* \* v. The McKinney Cotton Oil Mill Co., a corporation. Plea of guilty. Fine, \$50.**  
(F. & D. No. 14764. I. S. No. 18815-r.)

On June 25, 1921, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the McKinney Cotton Oil Mill Co., a corporation, McKinney, Texas, alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 6, 1920, from the State of Texas into the State of Kansas, of a quantity of cottonseed cake which was misbranded. The article was labeled in part, (tag) "100 Pounds (Net) Prime Cotton Seed Cake Manufactured by McKinney Cotton Oil Mill Co., McKinney, Texas \* \* \*"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 41.40 per cent of protein.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Guaranteed Analysis Protein not less than 43%," borne on the tags attached to the sacks containing the said article, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the said article contained not less than 43 per cent of protein, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 43 per cent of protein, whereas, in truth and in fact, it did contain less than 43 per cent of protein, to wit, 41.40 per cent of protein.

On January 16, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10653. Misbranding of olive oil. U. S. \* \* \* v. 10 Gallons, et al, of Olive Oil. Default decrees of condemnation, forfeiture, and sale.**  
(F. & D. Nos. 14986, 15049, 15050. I. S. Nos. 6964-t, 6957-t, 6958-t. S. Nos. E-3383, E-3385.)

On June 22, June 28, and November 15, 1921, respectively, the United States attorney for the Middle District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 18 cans and 10 gallons of olive oil, remaining in the original unbroken packages, in part at Scranton and in part at Pittston, Pa., alleging that the article had been shipped by Gamanos and Booskos, New York, N. Y., on or about May 12, May 14, and May 17, 1921, respectively, and transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act. A portion of the article was labeled in part, "Justice Brand \* \* \* Imported Virgin Pure Olive Oil Net Contents One Gallon \* \* \* Gamanos and Booskos \* \* \* New York \* \* \*". The rest of the article was labeled in part, "Giustizia Brand \* \* \* Vergine Olio d'Oлива Puro Importato Net Contents One Gallon \* \* \*".

Misbranding of the article was alleged in substance in the libels for the reason that the statement "one gallon," appearing on the cans containing the said article, was false and misleading and deceived and misled the purchaser since each of the said cans did not contain one gallon of the article, but in each instance was short in volume. Misbranding was alleged in substance for the further reason that the said article of food was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the said package, inasmuch as the statement "one gallon" was not correct.

On November 15 and December 13, 1921, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be sold by the United States marshal, after the statement "one gallon" had been obliterated from the said cans.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*



**10654. Adulteration and misbranding of olive oil. U. S. \* \* \* v. 21 Gallons and 14 Cans of Olive Oil. Default decrees of condemnation, forfeiture, and sale.** (F. & D. Nos. 14848, 14952. I. S. Nos. 8212-t, 6498-t. S. Nos. E-3349, E-3365.)

On May 11 and May 22, 1921, respectively, the United States attorney for the Middle District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 35 gallons of olive oil, remaining in the original unbroken packages at Scranton, Pa., alleging that the article had been shipped by the Southern Olive Oil Co., New York, N. Y., on or about February 17 and March 29, 1921, respectively, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in substance in the libels for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for olive oil. Adulteration was alleged for the further reason that the article had been mixed in a manner whereby damage and inferiority were concealed.

Misbranding was alleged in substance for the reason that the statements, to wit, "Lucca Olio Soprafino D'Oliiva 1 Gallon Net," together with the use of the Italian language, appearing on the cans containing a portion of the article, and the statements, to wit, "Net Contents One Quarter Gallon Caruso Puro Olio D'Oliiva \* \* \* Product of the Campagna Anonima Raffinerie Unite Susa—Oneglia Incorporated in the U. S. of America under the name of Southern Olive Oil Co. This can contains the best olive oil ever produced. It has been packed by the most sanitary system," together with a cut of olive branches bearing olives, appearing on the cans containing the remainder of the said article, were false and misleading and deceived and misled the purchaser. Misbranding was alleged in substance for the further reason that the article purported to be a foreign product when not so, for the further reason that it was an imitation of and was offered for sale under the distinctive name of another article, to wit, olive oil, and for the further reason that it was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statements set forth on the said packages were not correct.

On November 15, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be sold by the United States marshal, after the labels had been obliterated from the said cans.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10655. Misbranding of celery seed, mustard seed, ground nutmeg, black pepper, and sour salt. U. S. \* \* \* v. National Spice Co., Inc., a corporation. Plea of guilty. Fine, \$50.** (F. & D. No. 15001. I. S. Nos. 6899-t, 6900-t, 6901-t, 6902-t, 6905-t.)

On January 9, 1922, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the National Spice Co., Inc., a corporation, Brooklyn, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, from the State of New York into the State of New Jersey, on or about March 2, 1920, of quantities of celery seed and mustard seed, and on or about April 16, August 4, and October 6, 1920, respectively, of quantities of ground nutmeg, black pepper, and sour salt, respectively, all of which were misbranded. The articles were labeled in part, respectively: " \* \* \* National Spice Co. National Brand Pure Celery Seed;" "National Brand \* \* \* Pure Mustard Seed;" " \* \* \* National Brand Pure Ground Nutmeg;" " \* \* \* National Brand Pure Black Pepper;" " \* \* \* Sour Salt  $\frac{1}{8}$  Oz. Net Wt. \* \* \* National Brand Pure Tartaric Acid (Sour Salt) \* \* \*"

Examination of a sample of the sour salt by the Bureau of Chemistry of this department showed on 50 packages an average shortage from the declared weight of 21.8 per cent.

Misbranding of the sour salt was alleged in the information for the reason that the statement, to wit, " $\frac{1}{8}$  Oz. Net Wt.," borne on the cartons containing the article, regarding the said article, was false and misleading in that the said statement represented that each of the said cartons contained  $\frac{1}{8}$  ounce, net weight, of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the

said cartons contained  $\frac{1}{8}$  ounce, net weight, of the article, whereas, in truth and in fact, each of the said cartons did not contain  $\frac{1}{8}$  ounce, net weight, of the said article, but did contain a less amount. Misbranding of the articles involved in all the consignments was alleged for the reason that they were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On February 8, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10656. Adulteration and misbranding of olive oil. U. S. \* \* \* v. 8 Gallons of Alleged Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 15091. I. S. No. 6978-t. S. No. E-3397.)**

On June 27, 1921, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 8 gallons of alleged olive oil, remaining in the original unbroken packages at Scranton, Pa., alleging that the article had been shipped by Arony and Papitsas, New York, N. Y., on or about April 28, 1921, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article considered as a drug was alleged in the libel for the reason that it was sold under a name recognized in the United States Pharmacopœia, to wit, olive oil, and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia. Adulteration of the article considered as a food was alleged for the reason that cottonseed oil had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that it had been mixed in a manner whereby damage and inferiority were concealed.

Misbranding was alleged in substance for the reason that the statements on the labels on the cans containing the article, to wit, "One Gallon Pure Olive Oil Guaranteed Superfine Trento Trieste Lucca Italy This Pure Olive Oil is guaranteed under any chemical analysis in accordance with the law of the United States for the imported products. Excellent for table and medicinal use," together with a design of the Italian flag and the use of the Italian language, were false and misleading and deceived and misled the purchaser. Misbranding was alleged in substance for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, olive oil, for the further reason that it was falsely branded as to the country in which it was manufactured and produced, and for the further reason that it was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of each package.

On November 15, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal, after the label had been obliterated from the said cans.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10657. Adulteration and misbranding of table oil and misbranding of olive oil. U. S. \* \* \* v. 8 Gallons, et al, of Alleged Olive Oil and 21 Cans of Alleged Table Oil. Default decrees of condemnation, forfeiture, and sale. (F. & D. Nos. 15042, 15132, 15189. I. S. Nos. 6961-t, 6980-t, 6979-t. S. Nos. E-3379, E-3408, E-3460.)**

On June 14, July 14, and July 18, 1921, respectively, the United States attorney for the Middle District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 21 cans of table oil and 8 gallons and 20 cans of olive oil, remaining in the original unbroken packages, in part at Pittston, Pa., and in part at Scranton, Pa., alleging that the articles had been shipped by the Caserta Importing Co., New York, N. Y., on or about May 17, and June 10, 1921, respectively, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding of the said table oil and misbranding of the said olive oil in violation of the Food and Drugs Act, as amended. The so-called table oil was labeled in part, (can) "Finest Quality Table Oil Tipo Termini Imerese \* \* \* 1 Gallon Net." The olive oil was labeled in part, (can) " \* \* \* Caserta Brand Net Contents One Full Gallon " (or "One Half Gallon ") " \* \* \* Pure Olive Oil. \* \* \*



Adulteration of the table oil was alleged in the label for the reason that cottonseed oil had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that it was mixed in a manner whereby its inferiority was concealed.

Misbranding of the so-called table oil was alleged in substance for the reason that the statements on the labels of the cans containing the said article, to wit, "Finest Quality Table Oil Tipo Termini Imerese \* \* \* 1 Gallon Net," together with a design showing olive trees and olive pickers, were false and misleading, and deceived and misled the purchaser, for the further reason that it purported to be a foreign product when not so, and for the further reason that it was an imitation of and was offered for sale under the distinctive name of another article, to wit, olive oil. Misbranding of the olive oil was alleged in substance for the reason that the statements on the labels of the respective sized cans containing the said article, to wit, "Net Contents One Full Gallon" and "Net Contents One Half Gallon," were false and misleading and deceived and misled the purchaser, since the said cans did not contain 1 gallon or ½ gallon, as the case might be, of the said article, but did contain less amounts. Misbranding was alleged with respect to both products for the reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On November 15, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be sold by the United States marshal, after the obliteration of the labels of the so-called table oil and the statements, respectively, "One Full Gallon" and "Net Contents One-half Gallon" from the labels of the olive oil.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10658. Misbranding of linseed cake and linseed meal. U. S. \* \* \* v. Ankeney Linseed Mfg. Co., a corporation. Plea of guilty. Fine, \$20 and costs. (F. & D. No. 15846. I. S. Nos. 13403-t, 13404-t.)**

On February 28, 1922, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Ankeney Linseed Mfg. Co., a corporation, Des Moines, Iowa, alleging shipment by said company, in violation of the Food and Drugs Act, on or about August 28, 1920, from the State of Iowa into the State of Kansas, of quantities of linseed meal and linseed cake, respectively, which were misbranded. The articles were labeled in part, (tags) "Guaranteed Analysis Crude Protein 34 Per cent \* \* \* Ankeney Linseed Mfg. Co., Des Moines, Iowa \* \* \*."

Analysis of a sample of the linseed cake by the Bureau of Chemistry of this department showed that it contained 30.90 per cent of crude protein. Analysis of a sample of the linseed meal by the same bureau showed that it contained 30 per cent of crude protein.

Misbranding of the articles was alleged in substance in the information for the reason that the statement, to wit, "Guaranteed Analysis: Crude Protein 34 per cent," borne and labeled on the tags attached to the bags containing the articles, concerning the articles and the substances and ingredients thereof, was false and misleading in that the said statement represented the articles to contain 34 per cent of crude protein, and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they contained 34 per cent of crude protein, whereas, in truth and in fact, they did not contain 34 per cent of crude protein but did contain a less amount.

On May 10, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$20 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10659. Misbranding of calf feed and adulteration and misbranding of pig meal. U. S. \* \* \* v. Martin Calf Feed Co., a corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 15854. I. S. Nos. 11954-t, 11955-t.)**

On April 3, 1922, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Martin Calf Feed Co., a corporation, Mineral Point, Wis., alleging shipment by said company, in violation of the Food and Drugs Act, on or about May 1, 1920, from the State of Wisconsin into the State of Minnesota, of quantities



of calf feed and pig meal, respectively, the former of which was misbranded and the latter of which was adulterated and misbranded. The articles were labeled in part, respectively: "\* \* \* Martin's Calf Feed \* \* \* Manufactured by Martin Calf Feed Co. Mineral Point, Wis. \* \* \*," and "\* \* \* Martin's Pig Meal \* \* \* Martin Calf Feed Co. \* \* \*."

Analysis of a sample of the calf feed, by the Bureau of Chemistry of this department, showed that it contained 4.02 per cent of fat, 7.07 per cent of fiber, and 21.87 per cent of protein. The ingredients of the said sample of calf feed were linseed meal, wheat flour and middlings, coconut meal, charcoal, a trace of weed seeds, and a slight trace of corn, with no cottonseed meal, blood meal, fenugreek, peanut oil meal, and oat meal present. Analysis of a sample of the pig meal by said bureau showed that it contained linseed meal, wheat bran tissues, and wheat starch, probably from middlings and low-grade flour, charcoal, a small amount of oats and weed seeds, apparently from screenings, and a trace of corn which did not appear to be from gluten or hominy feed. Malt sprouts, oat meal, cottonseed meal, blood flour, rice polish, anise, peanut meal, gluten feed, hominy, and tankage were practically or entirely lacking.

Misbranding of the calf feed was alleged in substance in the information for the reason that the statements, to wit, "Guaranteed Protein 26.00 Fat 6.00 Crude Fiber 6.00" and "Ingredients \* \* \* Corn Meal, Cotton-Seed Meal, Blood Meal, Foenugreek, \* \* \* Peanut Oil Meal, Oat Meal \* \* \*," borne on the sacks containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the article contained not less than 26 per cent of protein, not less than 6 per cent of fat, and not more than 6 per cent of crude fiber, and that it contained corn meal, cottonseed meal, blood meal, fenugreek, peanut oil meal, and oat meal, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 26 per cent of protein, not less than 6 per cent of fat, and not more than 6 per cent of crude fiber, and that it contained corn meal, cottonseed meal, blood meal, fenugreek, peanut oil meal, and oat meal, whereas, in truth and in fact, it did contain less protein and fat and more fiber than declared, to wit, approximately 21.87 per cent of protein, 4.02 per cent of fat, and 7.07 per cent of crude fiber, and contained no cottonseed meal, blood meal, fenugreek, peanut oil meal, or oat meal, and contained only a trace, if any, corn meal.

Adulteration of the pig meal was alleged for the reason that a mixture consisting in large part of linseed meal, a wheat product, and charcoal had been substituted for a product composed of malt sprouts, oat meal, cottonseed meal, blood flour, rice polish, anise, salt, charcoal, red dog flour, peanut meal, gluten feed, hominy, germ middlings, and tankage, which the said article purported to be.

Misbranding of the said pig meal was alleged for the reason that the statements, to wit, "\* \* \* Fat 6% Fibre 5%" and "Ingredients Malt Sprouts, Oat Meal, Cotton Seed Meal, Blood Flour, Rice Polish, Anise \* \* \* Peanut Meal, Gluten Feed, Hominy \* \* \* and Tankage," borne on the sacks containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the article contained not less than 6 per cent of fat, and not more than 5 per cent of fiber, and contained malt sprouts, oat meal, cottonseed meal, blood flour, rice polish, anise, peanut meal, gluten feed, hominy, and tankage, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 6 per cent of fat and not more than 5 per cent of fiber, and contained malt sprouts, oat meal, cottonseed meal, blood flour, rice polish, anise, peanut meal, gluten feed, hominy, and tankage, whereas, in truth and in fact, the said article did contain less than 6 per cent of fat, to wit, approximately 4.32 per cent of fat, and did contain more than 5 per cent of fiber, to wit, approximately 6.38 per cent of fiber, and it contained only a trace, if any, malt sprouts, oat meal, cottonseed meal, blood flour, rice polish, anise, peanut meal, gluten feed, hominy, and tankage, and the said article did contain linseed meal.

On June 26, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10660. Adulteration and misbranding of cumin seed. U. S. \* \* \* v. 5 Bags and 1 Drum of Cumin Seed. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 13970, 13971. I. S. Nos. 4233-t, 4235-t. S. Nos. C-2587, C-2589.)**

On or about November 30, 1920, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 5 bags and 1 drum of cumin seed, remaining unsold at Cincinnati, Ohio, consigned August 25 and October 29, 1920, respectively, alleging that the article had been transported from the States of New York and Indiana, respectively, into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, " \* \* \* The Heekin Co., Cincinnati, Ohio \* \* \*."

Adulteration of the article was alleged in substance in the libels for the reason that sand had been mixed and packed with, and substituted wholly or in part for, the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, to wit, cumin seed.

On June 2, 1921, no claimant having appeared for the property, decrees pro confesso were entered, and during October, 1921, final decrees of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10661. Adulteration and misbranding of vinegar. U. S. \* \* \* v. 566 Cases of Alleged Cider Vinegar. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 14114. I. S. Nos. 6469-t, 6470-t. S. No. E-3011.)**

On January 7, 1921, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 566 cases of alleged cider vinegar at Elizabeth, N. J., alleging that the article had been shipped by the Naas Cider & Vinegar Co., Cohocton, N. Y., on or about August 19, 1920, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) "Steuben Brand \* \* \* Reduced Cider Vinegar \* \* \* Net Contents 20 Fl. Oz." (or "Net Contents One Pint") "Naas Cider & Vinegar Co., Inc. Cohocton, N. Y."

Adulteration of the article was alleged in the libel for the reason that distilled vinegar had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in whole or in part for cider vinegar, and for the further reason that it had been mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged in substance for the reason that the label on the bottles containing the article bore the statements, regarding the said article or the ingredients contained therein, to wit, "Steuben Brand \* \* \* Reduced Cider Vinegar Reduced to 4% Acetic Acid Fermented Made from Apples," together with a pictorial representation of a red apple, which were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of, and offered for sale under the distinctive name of, another article, and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 14, 1921, the Naas Cider & Vinegar Co., Cohocton, N. Y., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant, upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be rebranded and properly marked.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10662. Adulteration of frozen eggs. U. S. \* \* \* v. 1911 Cans \* \* \* of Frozen Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14288. I. S. No. 6519-t. S. No. E-3121.)**

On February 9, 1921, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1911 cans of frozen eggs, remaining in the original unbroken packages



at Jersey City, N. J., alleging that the article had been shipped by J. Aldeng Co. [J. A. Long Co.], Winchester, Ind., on or about December 18, 1920, and transported from the State of Indiana into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On December 20, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10663. Adulteration and misbranding of K. K. K. condition powder. U. S. \* \* \* v. K. K. K. Medicine Co., a corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 14344. I. S. No. 8738-r.)**

On January 17, 1921, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the K. K. K. Medicine Co., a corporation, Keokuk, Iowa, alleging shipment by said company, in violation of the Food and Drugs Act, on or about March 11, 1919, from the State of Iowa into the State of Kansas, of a quantity of K. K. K. condition powder which was adulterated and misbranded. The article was labeled in part, " \* \* \* Dr. Machin's K. K. K. Condition Powder Regulator \* \* \* Prepared only by K. K. K. Medicine Co. Keokuk, Iowa. \* \* \*."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted chiefly of sodium sulphate, sodium chlorid, iron sulphate, sulphur, charcoal, cottonseed hulls, and American wormseed.

Adulteration of the article was alleged for the reason that its strength and purity fell below the professed standard and quality under which it was sold, in that it was a mixture which consisted largely of cottonseed meal and cottonseed hulls, and was sold as a product composed of jalap, anise, gluten oil meal, rosin, soda, ash, fenugreek seed, iron sulphate, sulphur, gentian, cascara sagrada, salt, wormseed, wood charcoal, and Glauber's salt.

Misbranding of the article was alleged in substance in the information for the reason that certain statements, regarding the curative and therapeutic effects thereof, appearing on the packages containing the said article, falsely and fraudulently represented it to be effective as a preventive, treatment, remedy, and cure for hog cholera, tuberculosis in cattle, and cholera in chickens, when, in truth and in fact, it was not. Misbranding was alleged for the further reason that the statement, to wit, "Gluten Oil Meal 54%," borne on the said packages, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the said article contained not less than 54 per cent of gluten oil meal, whereas, in truth and in fact, it contained little, if any, gluten oil meal.

On April 5, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10664. Misbranding of peaches. U. S. \* \* \* v. The Danbury Fruit Co., a corporation. Plea of nolo contendere. Fine, \$10 and costs. (F. & D. No. 14360. I. S. No. 2462-t.)**

At the October, 1921, term of the United States District Court within and for the Northern District of Ohio, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the District Court aforesaid an information against the Danbury Fruit Co., a corporation, Danbury, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about October 5, 1920, from the State of Ohio into the State of Indiana, of a quantity of peaches in baskets which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On November 5, 1921, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*



**10665. Adulteration and misbranding of rye middlings. U. S. \* \* \* v. Globe Milling Co., a corporation. Plea of nolo contendere. Fine, \$25 and costs. (F. & D. No. 14051. I. S. No. 24635.)**

On April 14, 1921, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Globe Milling Co., a corporation, Watertown, Wis., alleging shipment by said company, in violation of the Food and Drugs Act, on or about October 31, 1919, from the State of Wisconsin into the State of Indiana, of a quantity of rye middlings which was adulterated and misbranded. The article was labeled in part, " \* \* \* Globe Rye Middlings \* \* \* Globe Milling Co. Watertown, Wisconsin."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed it to be rye shorts, containing approximately 10 per cent of extraneous material, which appeared to be from screenings and scourgings.

Adulteration of the article was alleged in the information for the reason that certain substances, to wit, weed seeds and straw, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for rye middlings, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Rye Middlings," borne on the tags attached to the sacks containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading in that it represented that the article consisted wholly of rye middlings, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of rye middlings, whereas, in truth and in fact, it did not so consist, but did consist in part of weed seeds and straw.

On March 13, 1921, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10666. Adulteration and misbranding of cottonseed meal. U. S. \* \* \* v. Alston Boyd (Washington Cotton Oil Co.). Plea of guilty. Fine, \$75. (F. & D. No. 14368. I. S. Nos. 8894-r, 8897-r.)**

On June 25, 1921, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Alston Boyd, trading as the Washington Cotton Oil Co., Dallas, Texas, alleging shipment by said defendant, in violation of the Food and Drugs Act, from the State of Texas into the State of Minnesota, on or about March 11, and March 19, 1920, respectively, of quantities of cottonseed meal, a portion of which was misbranded and the remainder of which was adulterated and misbranded. A portion of the product involved in the consignment of March 19 was labeled in part, " \* \* \* Ordinary Cotton Seed Meal Manufactured by Washington Cotton Oil Company Dallas, Texas. Guaranteed Analysis: Crude Protein Not Less Than 43.00 per cent \* \* \* "

Analysis of a sample of the article from the consignment of March 19 by the Bureau of Chemistry of this department showed that it contained 41.45 per cent of protein.

Adulteration of the article involved in the consignment of March 19 was alleged in the information for the reason that a substance, to wit, a cottonseed meal containing less than 43 per cent of protein, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in whole or in part for cottonseed meal containing not less than 43 per cent of protein, which the said article purported to be.

Misbranding of the article involved in both consignments was alleged in substance for the reason that it was food in package form and the quantity of the contents of the containers in a portion of the consignment of March 19, and in all of the consignment of March 11, was not plainly and conspicuously marked on the outside of the said packages.

On March 3, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$75.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10667. Adulteration and misbranding of blue poppy seed. U. S. \* \* \* v. Alexander Gross and Felix Gross (Ignatius Gross Co.). Pleas of guilty. Fine, \$15. (F. & D. No. 15071. I. S. No. 13093-r.)**

On October 7, 1921, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Alexander Gross and Felix Gross, trading as the Ignatius Gross Co., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, on December 20, 1919, from the State of New York into the State of Massachusetts, of a quantity of an article invoiced as India blue poppy seed, which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of white poppy seeds colored with a blue dye.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, white poppy seed artificially colored, had been substituted for India blue poppy seed which the said article purported to be, and for the further reason that it was a product inferior to blue poppy seed, to wit, white poppy seed, artificially colored with a blue dye, so as to simulate the appearance of blue poppy seed and in a manner whereby its inferiority to India blue poppy seed was concealed.

Misbranding was alleged for the reason that the article was a product composed of white poppy seed artificially colored in imitation of and offered for sale and sold under the distinctive name of another article, to wit, India blue poppy seed. Misbranding was alleged for the further reason that the statement, to wit, "Produce of India," borne on the bags containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading in that the said statement represented that the article was a foreign product, to wit, a product of India, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a foreign product, to wit, a product of India, whereas, in truth and in fact, it was not a foreign product but was a domestic product, to wit, a product of the United States of America. Misbranding was alleged for the further reason that the statement, to wit, "Produce of India," borne on the said bags, purported the article to be a foreign product when not so.

On October 10, 1921, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$15.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10668. Adulteration of prunes. U. S. \* \* \* v. 431 Cases of Prunes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15093. I. S. No. 23548-t. S. No. C-3087.)**

On June 29, 1921, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 431 cases of prunes, remaining unsold in the original unbroken packages at Oklahoma City, Okla., alleging that the article had been shipped by Guggenhime & Co., San Francisco, Calif., on or about November 3, 1919, and transported from the State of California into the State of Oklahoma, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "California Pitted Prunes Packed by Guggenhime & Company California."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted wholly or in part of a filthy and decomposed vegetable substance.

On April 14, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10669. Adulteration of ground marjoram. U. S. \* \* \* v. 2 Bags of Ground Marjoram. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15777. Inv. No. 38253. S. No. C-3464.)**

On March 16, 1922, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 bags of ground marjoram, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped from Indianapolis, Ind., on or about March 1, 1922, and transported from the



State of Indiana into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "\* \* \* Biston Coffee Company, St. Louis, Missouri."

Adulteration of the article was alleged in the libel for the reason that sand and dirt had been mixed and packed with, and substituted wholly or in part for, ground marjoram.

On May 3, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10670. Adulteration and misbranding of pie peaches. U. S. \* \* \* v. 50 Cases of Alleged Pie Peaches, Canned. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 653-c. S. No. E-3881.)**

On or about April 28, 1922, the United States attorney for the Southern District of Florida, acting upon a report by the Commissioner of Agriculture of the State of Florida, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 cases of alleged pie peaches, canned, remaining unsold in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped on or about March 20, 1922, from Fort Valley, Ga., and transported into the State of Florida, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Thunderbolt Brand Pie Peaches, M. S. Hernan & Bro., Sales Agents, Savannah, Georgia. Contents 1 pound 13 ounces. Packed by Varn & Platt, Marshallville, Ga., Home Office, Savannah, Ga."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

Misbranding was alleged for the reason that the article was food in package form and did not have conspicuously marked on the outside of the package, in terms of weight, measure, or numerical count, the quantity of the contents thereof, to wit, the packages were labeled as aforesaid, which statement that the contents were 1 pound and 13 ounces was untrue, in that the contents were less than 1 pound and 13 ounces, and not within the variations and tolerances permitted under the said act. Misbranding was alleged for the further reason that the packages containing the article had been coated on the ends thereof with paint or other substance, which constituted a device that was intended to, and would mislead a purchaser to believe that said cans and packages were new and fresh, when, as a matter of fact, the same were old and stale and rusty.

On July 24, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10671. Adulteration and misbranding of vinegar. U. S. \* \* \* v. 100 Cases of Vinegar. Goods released on bond. (F. & D. No. 8692. I. S. No. 2567-p. S. No. E-955.)**

On or about December 24, 1917, the United States attorney for the Southern district of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 cases, each containing 24 glass jars of vinegar, at Tampa, Fla., consigned by Old Homestead Mfg. Co., Richmond, Va., alleging that the article had been shipped on or about August 20, 1917, from Richmond in the State of Virginia, and transported into the State of Florida, and charging adulteration and misbranding in violation of the Food and Drugs Act. The jars were labeled: "20 fluid ounces Log Cabin Brand Albemarle Pure Apple Cider Vinegar Old Homestead Mfg. Co. Richmond, Virginia, Reduced to 4 per cent."

Adulteration of the article was alleged in the libel for the reason that distilled vinegar or dilute acetic acid had been mixed and packed with said vinegar so as injuriously to affect its quality and strength, and for the further reason that the distilled vinegar or dilute acetic acid had been substituted in part for said pure apple cider vinegar.

Misbranding was alleged for the reason that the article was labeled "Pure Apple Cider Vinegar," whereas, in truth and in fact, it was not pure apple vinegar, in that it contained distilled vinegar or added dilute acetic acid, for



the further reason that the said article was an imitation of, and was offered for sale under the distinctive name of, another article, and for the further reason that said article was labeled and branded so as to deceive and mislead the purchaser.

On January 17, 1918, the matter having come on to be heard, the court found there was probable cause for the filing of the libel, and found further in favor of the United States, and, it appearing to the court that the Peninsular Grocery Co., Tampa, Fla., had entered into good and sufficient bond in conformity with section 10 of the act and that the goods had been delivered to said claimant, who had paid the costs of the proceedings, it was ordered by the court that the proceedings be dismissed at the cost of said claimant.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10672. Misbranding of olive oil. U. S. v. 9½ Cases of Olive Oil. Default decree of condemnation and forfeiture. Product ordered sold.** (F. & D. No. 15296. I. S. No. 10772-t. S. No. W-925.)

On or about August 2, 1921, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 9½ cases of olive oil, remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped on or about May 16, 1921, by Lekas and Drivas, New York, N. Y., and transported from the State of New York into the State of Utah, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Net contents ½ Gallon \* \* \* Pure Olive Oil. Imported and Packed by us, Lekas and Drivas, Piræus, Greece. New York, U. S. A."

Misbranding of the article was alleged in the libel for the reason that the statement on the label thereof, "Net Contents ½ Gallon," was false and misleading, in that the net contents was not one-half gallon, and for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 18, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal after having been labeled and branded in such manner as correctly to designate the contents of the cans containing the same.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10673. Adulteration of fava beans. U. S. \* \* \* v. 542 Sacks Containing Fava Beans. Consent decree of condemnation and forfeiture. Product released on bond for sorting and destruction of the adulterated beans.** (F. & D. No. 15476. I. S. Nos. 6915-t, 6916-t, 6917-t, 6918-t. S. No. E-3606.)

On October 13, 1921, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 542 sacks containing fava beans, remaining unsold in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped on or about September 7, 1921, by Adolf Koshland, San Francisco, Calif., consigned to himself at New York, N. Y., and transported from the State of California into the State of New York, and charging adulteration, in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance, the product being largely weevil or larvæ infested.

On December 28, 1921, Nathan Yohalem and Joseph Diamand, trading under the name of Yohalem and Diamand, New York, N. Y., having admitted the truth of the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be released to said claimants, upon payment of the costs of the proceedings and the execution of bond in the sum of \$6,000, in conformity with section 10 of the act, conditioned in part that the article be sorted by the claimants under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10674. Adulteration of stringless beans. U. S. \* \* \* v. 9 Cases and 13 Cases of Stringless Beans. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 15974, 15975. Inv. Nos. 36518, 36519. S. Nos. E-3761, E-3762.)

On February 10, 1922, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the

District Court of the United States for said district libels for the seizure and condemnation of 9 cases and 13 cases of stringless beans, remaining unsold in the original unbroken packages at Stamford and Danbury, Conn., alleging that the article had been shipped on or about October 20 and September 30, 1921, by the Webster-Butterfield Co., Inc., Baltimore, Md., and transported from the State of Maryland into the State of Connecticut, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Webster's Best Brand Stringless Beans \* \* \* Packed by Webster-Butterfield Co. Inc. Baltimore, Md."

Adulteration of the article was alleged in the libels for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On June 12, 1922, no claimants having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10675. Adulteration and misbranding of cottonseed meal. U. S. \* \* \* v. 375 Sacks \* \* \* of Cottonseed Meal. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16192. I. S. No. 6735-t. S. No. E-3837.)**

On April 8, 1922, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure for condemnation of 375 sacks of cottonseed meal, remaining in the original unbroken packages at Ayer, Mass., alleging that the article had been shipped on or about March 2, 1922, by Black & Co., Macon, Ga., and transported from the State of Georgia into the Commonwealth of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act. Said article was labeled in part, "Thirty Six' Brand Cotton Seed Meal. Manufactured for L. B. Lovitt & Company Memphis, Tennessee, Dallas, Texas."

Adulteration of the article was alleged in the libel for the reason that a substance low in protein and high in fiber had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for the article.

Misbranding was alleged in substance for the reason that the statements, to wit, "Cotton Seed Meal \* \* \* Guaranteed Analysis Protein (Equivalent 7% ammonia) 36.00% \* \* \* Fibre 14.00%," borne and labeled upon the tags attached to the sacks, concerning the amount of protein and fiber in the article, were false and misleading in that said statements represented and guaranteed the article to contain 36 per cent of protein and 14 per cent of fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser thereof into the belief that it contained 36 per cent of protein and 14 per cent of fiber, whereas, in truth and in fact, said article contained less than 36 per cent of protein and more than 14 per cent of fiber.

On May 2, 1922, the matter having come on to be heard and the J. Cushing Co., Fitchburg, Mass., having filed satisfactory bond in conformity with section 10 of the act, the court found the product to be adulterated and misbranded as alleged, and condemned the same, but ordered that upon payment of the costs of the proceedings the product might be delivered to said claimant.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10676. Misbranding of olive oil. U. S. \* \* \* v. 87 Cans \* \* \* of Olive Oil. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 16352. I. S. Nos. 13925-t, 13304-t. S. No. W-1092.)**

On May 29, 1922, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 87 cans, more or less, of olive oil, remaining unsold in the original unbroken packages at Cheyenne, Wyo., alleging that the article had been shipped on or about April 15, 1922, from Chicago and transported from the State of Illinois into the State of Wyoming, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Athlete Brand Pure Olive Oil Nasiacos Importing Co., Chicago, Ill."

Misbranding of the article was alleged in the libel for the reason that the statement upon each of 41 cans of said product, "Contents  $\frac{1}{2}$  Gallon" or "60



Fl. Ozs.," and the statement on 46 cans of the product, "Contents  $\frac{1}{4}$  Gallon" or "30 Fl. Ozs.," were false and misleading in that the contents of each of the cans was not one full half gallon or one full fourth gallon, as the case might be, but only a part thereof. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight or measure, but that said packages were so marked as to deceive and mislead the purchaser, and 41 of said cans purported to contain a full half gallon and 46 of said cans purported to contain a full one-fourth gallon, whereas, in truth and in fact, each of said 41 cans did not contain a full half gallon and each of said 46 cans did not contain a full one-fourth gallon.

On July 3, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold at public auction by the United States marshal and that before delivering the same to any purchaser he should require said purchaser to relabel the cans so as to show the true quantity of olive oil therein before offering the same for sale.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10677. Misbranding of The Healing Springs Water. U. S. \* \* \* v. 9 Cases \* \* \* The Healing Springs Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16361. I. S. No. 15520-t. S. No. E-3889.)**

On June 3, 1922, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 9 cases containing bottles of The Healing Springs Water at New York, N. Y., alleging that the article had been shipped on or about May 14, 1922, by the Virginia Hot Spring Co., Hot Springs, Va., and transported from the State of Virginia into the State of New York, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled, in part, "A medicinal water recommended in the case of gout, rheumatism, insomnia, kidney and bladder troubles and for the nervous system."

Analysis of a sample of the water by the Bureau of Chemistry of this department showed that it was a moderately mineralized water, the principal dissolved constituents being bicarbonates of calcium and magnesium and sulphate of magnesium.

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements, appearing on the bottle labels, regarding the curative and therapeutic effects of the article, were false and fraudulent for the reason that said article did not contain any ingredient or combination of ingredients capable of producing the effects claimed for it, and for the further reason that said article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 4, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10678. Adulteration of chloroform. U. S. \* \* \* v. 31 Tins of Chloroform. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16476. Inv. Nos. 41311, 41312, 41313, 41314, 41315, 41316, 41317. S. No. E-3990.)**

On June 28, 1922, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 31 tins of chloroform, remaining in the original unbroken packages at Westbrook, Me., alleging that the article had been shipped on or about April 11, and May 9, 1922, by the Stellar Chemical Co., Inc., New York, N. Y., and transported from the State of New York into the State of Maine, and charging adulteration in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in substance in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopoeia [official] at the time of investigation, and for the further reason that the standard of strength, quality, or purity of said drug was not plainly stated upon the containers of the same.



On July 25, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10679. Adulteration of shell eggs. U. S. \* \* \* v. 62 Cases \* \* \* of Shell Eggs. Decree of condemnation and forfeiture. Product ordered released under bond. (F. & D. No. 16681. I. S. No. 2505-v. S. No. E-4082.)**

On July 20, 1922, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 62 cases, more or less, of shell eggs, consigned by James C. Mullikin, Centerville, Md., remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped on or about July 18, 1922, and transported from the State of Maryland into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 24, 1922, James C. Mullikin having appeared as claimant for the property and the matter having come on for final disposition, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be released to said claimant, upon the payment of all the costs of the proceedings and the delivery by the claimant of a good and sufficient bond in the sum of \$500, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10680. Adulteration of shell eggs. U. S. \* \* \* v. Farmers Union Co-operative Co., a corporation. Plea of guilty. Fine, \$5. (F. & D. No. 14556. I. S. No. 10154-t.)**

On May 12, 1921, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Farmers Union Cooperative Co., a corporation, Hendley, Nebr., alleging shipment by said company, in violation of the Food and Drugs Act, on or about July 24, 1920, from the State of Nebraska into the State of Colorado, of a quantity of shell eggs which were adulterated.

Examination of a sample of the article, consisting of 1080 eggs, showed the presence of 104 inedible eggs, or 9.6 per cent, consisting of black rots, mixed or white rots, moldy, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On March 6, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$5.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10681. Adulteration of tomato catsup. U. S. \* \* \* v. 400 Cases of Polk's Tomato Catsup. Consent decree of condemnation and forfeiture. Product released on bond for sorting and destruction of adulterated catsup and salvaging of containers. (F. & D. Nos. 14808, 14809. I. S. Nos. 2551-t, 2552-t. S. No. C-2983.)**

On April 19, 1921, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 400 cases of Polk's tomato catsup at Shreveport, La., alleging that the article had been shipped on or about December 1, 1920, by J. T. Polk Co., Mound City, Ill., and transported from the State of Illinois into the State of Louisiana, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Polk's Best Catsup, J. T. Polk Co. Chicago."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On October 15, 1921, the case having come on for final disposition upon the answer of Sears & Nichols Canning Co., intervenor, and stipulation of the parties, it was ordered by the court that the product might be released to said intervenor, upon payment of the costs of the proceedings and the execution of a good and sufficient bond in the sum of \$100, in conformity with section 10 of the act, conditioned in part that the product be sorted under the supervision

of this department and the adulterated catsup destroyed, and providing that the bottles, screw caps, boxes, and fillers of all the goods might be salvaged by said intervenor.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10682. Misbranding of crab meat. U. S. \* \* \* v. The Coston Co., Inc., a corporation. Plea of guilty. Fine, \$100. (F. & D. No. 15444. I. S. No. 8747-t.)**

On or about December 9, 1921, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Coston Co., Inc., a corporation, Hampton, Va., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about May 24, 1921, from Old Point, Va., into the District of Columbia, of a quantity of crab meat which was misbranded.

Examination, by the Bureau of Chemistry of this department, of 15 cans of the product showed that the average net weight of the cans examined was 4 pounds, 10 ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Contents 5 Lbs. Net," borne on the cans containing the article, regarding the said article, was false and misleading in that it represented that each of the said cans contained 5 pounds net of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained 5 pounds net of the article, whereas, in truth and in fact, each of said cans did not contain 5 pounds net of the article, but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 7, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10683. Misbranding of Aspirinal. U. S. \* \* \* v. 10 $\frac{1}{2}$  Dozen Bottles of Aspirinal. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15649. Inv. No. 35777. S. No. E-3683.)**

On December 12, 1921, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a district court, a libel for the seizure and condemnation of 10 $\frac{1}{2}$  dozen bottles of Aspirinal, remaining unsold in the original unbroken packages at Washington, D. C., alleging that the article had been shipped by the Aspirinal Laboratories, Inc., Atlanta, Ga., on or about February 2, 1921, and transported from the State of Georgia into the District of Columbia, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained sodium salicylate, camphor, menthol, extracts of plants, including cascara sagrada and belladonna, a small quantity of sugar, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the labels on the bottles containing the said article bore the following statements, regarding its curative and therapeutic effects, " \* \* \* Colds, Coughs, Influenza, LaGrippe, \* \* \* Headache, Toothache, Earache, Stomachache, Neuralgia, Sciatica, \* \* \* Rheumatism \* \* \*," which statements were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On July 31, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10684. Misbranding of Aspirinal. U. S. \* \* \* v. 8 Dozen, et al, Bottles of Aspirinal. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 15676-15682, incl. Inv. Nos. 33282, 33283, 33312-33316, incl. S. No. E-3660.)**

On December 3, and December 6, 1921, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 65 dozen bottles of Aspirinal, remaining in the original unbroken packages at Miami, Jacksonville, and Tampa, Fla., alleg-



ing that the article had been shipped on or about March 7, September 23, November 9, November 14, September 25, November 17, and November 11, 1921, and transported from Atlanta, Ga., into the State of Florida, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Aspironal \* \* \* Manufactured only by Aspironal Laboratories, Atlanta, Ga. \* \* \*."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained sodium salicylate, camphor, menthol, extracts of plant drugs, including cascara sagrada and belladonna, a small quantity of sugar, alcohol, and water.

Misbranding of the article was alleged in substance in the labels for the reason that the label on the bottles of the article contained statements, designs, and devices regarding the curative or therapeutic effects of said article and the ingredients or substances contained therein which were false and fraudulent in that said article contained no ingredient or combination thereof capable of producing the curative and therapeutic effects claimed and which purchasers were led to expect by the following statements, designs, and devices, which said statements were applied to the article with knowledge of their falsity for the purpose of defrauding purchasers thereof: "Aspironal \* \* \* For Colds, Coughs, Influenza, LaGrippe, \* \* \* For Headache Toothache, Earache, Stomachache, Neuralgia, Sciatica \* \* \* For Rheumatism."

On April 1, 14, and 5, 1922, no claimant having appeared for the product, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10685. Adulteration of shell eggs. U. S. \* \* \* v. Patrick A. Watson. Plea of guilty. Fine, \$50 and costs.** (F. & D. No. 15989. I. S. Nos. 2002-t, 2004-t.)

On March 4, 1922, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Patrick A. Watson, Sayre, Okla., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 19, 1921, from the State of Oklahoma into the State of Kansas, of two consignments of shell eggs which were adulterated. The article was labeled in part, (tag) " \* \* \* From P. A. Watson, Sayre, Ok."

Examination of 360 eggs from each of the consignments by the Bureau of Chemistry of this department showed that 288 and 249, respectively, or 80 and 69.16 per cent of the total, were inedible eggs, consisting of black rots, mixed or white rots, moldy, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On March 13, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10686. Misbranding of grape jam. U. S. \* \* \* v. 32 Cases of Grape Jam. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 16052. I. S. No. 8131-t. S. No. E-3777.)

On February 18, 1922, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 32 cases of grape jam, remaining in the original unbroken packages at Wilkes Barre, Pa., alleging that the article had been shipped by Schühle's Pure Grape Juice Co., Inc., Highland, N. Y., on or about September 27, 1921, and transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Schühle's Grape Jam \* \* \* Net Weight 1 Pound \* \* \* Schühle's Pure Grape Juice Co. Inc. Highland, Ulster Co. N. Y."

Misbranding of the article was alleged in substance in the libel for the reason that the statement on the label of the package containing the said article, to wit, "Net Weight 1 Pound," was false and misleading and deceived and misled the purchaser since each of the said packages did not contain 1 pound of the said article, but did contain less than 1 pound. Misbranding was alleged for the further reason that the article was [food] in package form and the quantity



of the contents was not plainly and conspicuously marked on the outside of the said package.

On April 25, 1922, Schühle's Pure Grape Juice Co., Inc., claimant, having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10687. Adulteration of frozen whole eggs. U. S. \* \* \* v. 299 Cans of Frozen Whole Eggs. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 16059. I. S. Nos. 866-t, 888-t. S. No. C-3437.)

On February 20, 1922, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 299 cans of frozen whole eggs, at Chicago, Ill., alleging that the article had been shipped by the Beatrice Creamery Co., Lincoln, Nebr., October 26, 1921, and transported from the State of Nebraska into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On May 10, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10688. Adulteration of oranges. U. S. \* \* \* v. 139 Boxes of Oranges. Decree of condemnation, forfeiture, and destruction.** (F. & D. No. 16067. Inv. No. 29842. S. No. E-3787.)

On February 21, 1922, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 139 boxes of oranges, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped by Cleghorn Bros., Highland, Calif., on or about February 6, 1922, and transported from the State of California into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Wash Navels \* \* \* Good Taste Brand Highland Oranges Shipped by Cleghorn Brothers, Highland, Cal."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in whole or in part of a filthy, decomposed vegetable substance.

On February 24, 1922, Peter L. Descalzi and John B. Descalzi, jr., trading as the United Produce Co., having entered their appearances as claimants for the property, judgment of the court was entered permitting the said claimants to recondition and repack the product. On April 1, 1922, it having appeared impracticable to recondition the product, judgment of the court was entered condemning the said product and ordering that it be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10689. Misbranding of Giles' germicide. U. S. \* \* \* v. 1 Dozen Packages of Giles' Germicide \* \* \*. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 16127. Inv. No. 38480. S. No. C-3521.)

On April 26, 1922, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 dozen packages of Giles' germicide, remaining unsold in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped on March 14, 1922, by the Giles Remedy Co., Chicago, Ill., and transported from the State of Illinois into the State of Wisconsin, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of camphor, ether, and linseed oil, and was not an antiseptic or a germicide.

Misbranding of the article was alleged in substance in the libel for the reason that the labels upon the individual packages and the booklets accompanying the same bore the following statements, (carton) " \* \* \* Germicide \* \* \* A \* \* \* Remedy \* \* \* for Ailments caused by disease producing germs within and without the body Neutralizes and Expels from the Blood The toxins of germs and other poisons or impurities, Allays internal or external congestion or inflammation \* \* \* this Remedy is \* \* \* germicide, antiseptic \* \* \* it acts upon disease germs \* \* \* chronic diseases \* \* \* as well as the acute \* \* \* diseases, are relieved by Giles' Germicide because it acts to overcome Germ Poison and remove them from the system. Relieves the Cause of Rheumatism, Asthma, Catarrh, Throat Troubles, Blood and Skin Diseases and Affections Disease of the stomach and Bowels and Ailments of an Inflammatory Nature, Either Internal or External," (booklet) " \* \* \* Giles' Germicide \* \* \* removes the known cause of nearly all diseases \* \* \* A Real Relief for Disease \* \* \* Stomach and Intestinal Troubles \* \* \* Consumption, Asthma, Pneumonia, La Grippe, etc. \* \* \* Blood and Skin Diseases \* \* \* Internally it is used for all diseases, acute or chronic \* \* \* Piles \* \* \* Pleurisy \* \* \* Diphtheria \* \* \* Croup \* \* \* Measles, Scarlet Fever, Chicken Pox \* \* \* Small Pox \* \* \* Chills, Fever and Ague, Malaria \* \* \* Appendicitis or Stoppage of the Bowels \* \* \* Dysentery \* \* \* Diseases of the Throat and Lungs \* \* \* Dyspepsia, Indigestion, Catarrh of the Stomach \* \* \* Rheumatism, Gout, \* \* \* Paralysis \* \* \* Kidney Trouble \* \* \* Bladder and Prostatic troubles \* \* \* Gonorrhœa and Gleet \* \* \* sexual weakness \* \* \* Scrofula, Erysipelas, Eczema, Syphilitic Affections, and \* \* \* Sores and Skin Eruptions \* \* \* Female Troubles \* \* \* to regulate menstrual disorders \* \* \*," which said statements were false and fraudulent, and said product contained no ingredients or combination of ingredients capable of producing the curative or therapeutic effects claimed in said labels for said product or solution.

On July 13, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10690. Misbranding of Paulette's Brand tansy, cotton root, pennyroyal and apiol tablets. U. S. \* \* \* v. 1 Dozen Packages and 11 Packages of Paulette's Brand Tansy, Cotton Root, Pennyroyal and Apiol Tablets. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 13802, 13803. I. S. Nos. 7521-t, 7522-t. S. Nos. E-2838, E-2839.)

On October 22, 1920, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 1 dozen packages and 11 packages of Paulette's Brand tansy, cotton root, pennyroyal and apiol tablets, remaining unsold in the original unbroken packages at New Haven and Bridgeport, Conn., respectively, alleging that the article had been shipped in part by the Standard Druggists Supply Co., Inc., Springfield, Mass., on or about August 4, 1920, and in part by the Fay and Young's Rubber Corp., New York, N. Y., on or about April 18, 1920, and transported from the States of Massachusetts and New York, respectively, into the State of Connecticut, and charging misbranding in violation of the Food and Drugs Act, as amended.

Misbranding of the article was alleged in substance in the libels for the reason that the circular accompanying the said article bore, in English and in foreign languages, the following statements regarding its therapeutic and curative effects, " \* \* \* Best results are obtainable in using The Renowned 'Paulette's Brand' \* \* \* Tansy, Cotton Root, Pennyroyal and Apiol Tablets \* \* \* justly famous Regulator Tablet \* \* \* Delayed Menstruations. When the suppression is of long standing \* \* \* take one tablet at bedtime until four days before the time when the menses should appear. On these four days, immediately preceding the expected appearance of the menstrual flow, \* \* \* take one \* \* \* three times daily, \* \* \* Abnormal, Premature and Irregular Menstruations Where the menses are not regular, either making their appearance a few days before, or after their proper time, or after the appearance is of long standing Paulette's Brand Tablets will be found invaluable. \* \* \* Strict adherence to the above directions is generally followed by satisfactory results \* \* \* failure



to arrive at this point should not be in the least discouraging \* \* \* when suffering from several months' suppressed menstruation \* \* \*," which statements were false, fraudulent, and misleading, and were applied to the said article so as to represent falsely and fraudulently and to create in the minds of purchasers thereof the impression and belief that the article was in whole or in part composed of, or contained, ingredients or medicinal agents effective as a remedy for menstrual disorders, when, in truth and in fact, it was not.

On March 14 and October 7, 1921, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10691. Adulteration of shell eggs. U. S. \* \* \* v. John Wiley Wall. Plea of guilty. Fine, \$50. (F. & D. No. 14055. I. S. No. 9561-r.)**

On April 11, 1921, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John Wiley Wall, Gilmer, Texas, alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about June 20, 1920, from the State of Texas into the State of Arkansas, of a quantity of shell eggs which were adulterated. The article was labeled in part, "From J. W. Wall, General Merchandise, Gilmer, Texas. \* \* \*."

Examination by the Bureau of Chemistry of this department of 540 eggs from the consignment showed 86, or 15.9 per cent of those examined, to be inedible eggs, consisting of black rots, mixed or white rots, and heavy blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On February 27, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10692. Misbranding of cotton seed. U. S. \* \* \* v. Gilmer Cotton Seed Oil Co., a corporation. Plea of guilty. Fine, \$50. (F. & D. No. 15055. I. S. No. 470-t.)**

On October 5, 1921, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Gilmer Cotton Seed Oil Co., a corporation, Gilmer, Texas, alleging shipment by said company, in violation of the Food and Drugs Act, on or about September 18, 1920, from the State of Texas into the State of Kansas, of a quantity of cotton seed which was misbranded. The article was contained in sacks, each of which bore two tags, reading in part as follows: (First tag) "100 Pounds (Net) Cold Pressed Cotton Seed Manufactured by Gilmer Cotton Seed Oil Company, Gilmer, Texas \* \* \*;" (second tag) "100 Pounds Gross 99 Pounds Net \* \* \* Equity Brand Compressed Cotton Seed \* \* \* Weight 100 Lbs. Net \* \* \*."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 24.17 per cent of protein. Weighings of the article by said bureau showed that the average net weight of 20 sacks was 92.45 pounds.

Misbranding of the article was alleged in substance in the information for the reason that the statements on one of the tags attached to the sacks containing the article, to wit, "Guaranteed Analysis Protein not less than 26.00 per cent \* \* \* 100 Pounds (Net)," and the statements on the other tag attached to the said sacks, to wit, "Guaranteed Analysis Protein not less than 25% \* \* \* 100 Pounds Gross 99 Pounds Net \* \* \* Weight 100 Lbs. Net," regarding the article and the ingredients and substances contained therein, were false and misleading, since the said article contained less than 25 per cent of protein and the said sacks contained less than 100 pounds or 99 pounds of the said article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 25 per cent of protein and that the said sacks contained not less than 100 or 99 pounds net of the article, whereas, in truth and in fact, the said article contained less than 25 per cent of protein and the said sacks contained less than 100 pounds or 99 pounds net of the said article.



Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 27, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10693. Misbranding of La Derma vagiseptic discs, Bick's sarsaparilla compound, Bick's nerve tonic, Bick's sextone pills, Arthur's sextone tablets, Arthur's emmenagogue pills, Leslie's emmenagogue pills, and Thomas' emmenagogue pills.** U. S. \* \* \* v. 16 **Boxes of La Derma Vagiseptic Discs, et al. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 15350, 15351, 15352. Inv. Nos. 24226 to 24239, incl., 24241 to 24244, incl., 27087 to 27100, incl. S. Nos. C-3177 to C-3194, incl.)

On or about September 9, 1921, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 33 boxes of La Derma vagiseptic discs, 20 boxes of Bick's sarsaparilla compound, 51 boxes of Bick's nerve tonic, 44 boxes of Bick's sextone pills, 55 boxes of Arthur's sextone tablets, 33 boxes of Arthur's emmenagogue pills, 30 boxes of Leslie's emmenagogue pills, and 48 boxes of Thomas' emmenagogue pills, remaining in the original packages in part at Bowie, Texas, and in part at Olney, Texas, alleging that the articles had been shipped by the Palestine Drug Co., St. Louis, Mo., between the dates of May 10 and September 30, 1920, and transported from the State of Missouri into the State of Texas, and charging misbranding in violation of the Food and Drugs Act, as amended. The articles were labeled in part as follows: (La Derma vagiseptic discs) (wrapper) " \* \* \* For amenorrhoea and other uterine and vaginal disorders," (circular) " \* \* \* for \* \* \* Amenorrhoea \* \* \* Ulceration of the Uterus and Catarrh of the Uterus \* \* \* Gonorrhoea \* \* \*," (Bick's sarsaparilla compound) (bottle) " \* \* \* to be taken regularly as long as impurity exists in the blood \* \* \* one of the best remedies in existence for purposes claimed. Remember that constitutional diseases or diseases of long standing cannot be cured in a week or so by any remedy \* \* \*," (wrapper) " \* \* \* for the Treatment of all Diseases due to Impure Blood such as Chronic Rheumatism, Secondary Syphilis, Scrofula, Pimples, Boils, Etc. \* \* \* is especially and specifically designed to give the greatest possible benefit in the treatment of diseases due to impure and impoverished blood \* \* \*," (Bick's nerve tonic) " \* \* \* Nerve Tonic \* \* \* one of the best \* \* \* treatments known for those nervous run-down conditions which cause so much mental worry \* \* \* For the treatment of weak and irritated conditions of the nervous system \* \* \* manifested \* \* \* as poor appetite, feeling of weakness, despondency, lack of iron in the system of both sexes and lack of energy;" (Bick's sextone pills) "Sextone Pills \* \* \* Composed of \* \* \* Aphrodisiac Agencies \* \* \*;" (Arthur's sextone tablets) (wrapper) " \* \* \* Designed to Correct \* \* \* the Evil Results Following Sexual or Alcoholic Excesses, Overwork, Etc. \* \* \* Sextone Tablets For Either Sex Composed of \* \* \* the Most Potent and Dependable Aphrodisiac Agencies \* \* \*," (circular) " \* \* \* Sextone Tablets \* \* \* cases of exhaustion of nervous energy \* \* \* stimulate \* \* \* the Sexual Plexes \* \* \* nourish the nervous system and build it up \* \* \*;" (Arthur's emmenagogue pills, Leslie's emmenagogue pills, and Thomas' emmenagogue pills) "Emmenagogue Pills recommended for Amenorrhoea, Dysmenorrhoea and other Menstrual Troubles \* \* \* beginning treatment \* \* \* before the regular monthly period \* \* \* continue \* \* \* until relief is obtained."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the La Derma vagiseptic discs contained salt, alum, starch, milk sugar, and talc; the Bick's sarsaparilla compound contained less than 1 per cent of sodium salicylate, 0.7 per cent of potassium iodid, extracts of plant drugs, including sarsaparilla and a laxative drug, sugar, alcohol, and water; the Bick's nerve tonic consisted of two products—brown tablets containing phosphorus and compounds of zinc and iron, coated with sugar and calcium carbonate, and yellow pellets containing compounds of iron, strychnine, and phosphorus, coated with sugar and calcium carbonate; the Bick's sextone pills consisted of two products—chocolate-colored pills containing a small amount of extract of plant drugs, 50 per cent of sugar, 25 per cent of calcium carbonate, 7 per cent of iron oxid, and 7 per cent of powdered talc, and orange-

colored tablets containing 31 per cent of metallic iron, 11 per cent of calcium carbonate, extract of nux vomica, and sugar; the Arthur's sextone tablets contained iron oxid, calcium carbonate, a compound of zinc, and extract of plant drugs, coated with sugar; the Arthur's emmenagogue pills, the Leslie's emmenagogue pills, and the Thomas' emmenagogue pills contained iron sulphate, aloes, and extract of plant drugs, coated with sugar and calcium carbonate, colored pink.

Misbranding of the articles was alleged in substance in the libels for the reason that the above-quoted statements, appearing in the labeling of the said articles, were false and fraudulent in that the said articles contained no ingredients or combinations of ingredients capable of producing the said therapeutic effects.

During May, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10694. Adulteration and misbranding of walnut meats. U. S. \* \* \* v. 108 Cases of Walnut Meats \* \* \*. Consent decree of condemnation and forfeiture. Product ordered released on bond for reconditioning.** (F. & D. No. 15760. I. S. Nos. 13828-t, 13830-t. S. No. W-1050.)

On May 8, 1912, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 108 cases of walnut meats, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by Sam Sutton, Los Angeles, Calif., on February 6, 1922, and transported from the State of California into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of filthy, decomposed, and putrid vegetable substance.

Misbranding was alleged for the reason that the article was in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package.

On May 31, 1922, Richardson and Holland, a corporation, Seattle, Wash., claimant, having appeared and confessed judgment, a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product might be released to said claimant for reconditioning under the supervision of this department, upon payment of the costs of the proceeding and the execution of bond, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10695. Adulteration of walnut meats. U. S. \* \* \* v. 150 Cases of Walnut Meats \* \* \*. Consent decree of condemnation and forfeiture. Product released on bond for reconditioning.** (F. & D. No. 15772. I. S. No. 11248-t. S. No. W-1054.)

On March 14, 1922, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 150 cases of walnut meats, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped about February 5, 1922, by C. S. Holzman, Los Angeles, Calif., and transported from the State of California into the State of Washington, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed vegetable substance.

On April 10, 1922, Oscar Lucks, claimant, having entered his appearance for the goods, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be released to said claimant for reconditioning under the supervision of this department, upon payment of the costs of the proceeding and the execution of bond, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10696. Alleged adulteration of oranges. U. S. \* \* \* v. 396 Boxes \* \* \* of Oranges. Tried to the court. Decree ordering release of product to claimant.** (F. & D. No. 16107. I. S. No. 18411-t. S. No. C-3484.)

On or about March 23, 1922, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in



the District Court of the United States for said district a libel for the seizure and condemnation of 396 boxes of oranges, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Mutual Orange Distributors, Redlands, Calif., on or about March 11, 1922, and transported from the State of California into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted, in whole or in large part, of a filthy, decomposed, and putrid vegetable substance.

On April 1, 1922, the Mutual Orange Distributors, claimant, having denied the allegations of the libel, and the case having come on for final disposition before the court without a jury, a decree finding the issue in favor of the claimant was entered, and it was ordered by the court that the product be released to the said claimant.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10697. Misbranding of strawberries. U. S. \* \* \* v. William F. Allen. Plea of guilty. Fine, \$5 and costs. (F. & D. No. 16212. I. S. No. 5957-t.)**

On June 29, 1922, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William F. Allen, Marion, Md., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about May 17, 1921, from the State of Maryland into the State of New York, of a quantity of strawberries in crates which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 29, 1922, the defendant entered a plea of guilty to the information and the court imposed a fine of \$5 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10698. Misbranding of Abbott Bros. compound for rheumatism. U. S. \* \* \* v. 3 Dozen Bottles of Abbott Bros. Compound for Rheumatism. Default decree of condemnation and forfeiture. Product ordered disposed of according to law. (F. & D. No. 16306. I. S. No. 13963-t. S. No. W-1077.)**

On May 10, 1922, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 dozen bottles of Abbott Bros. compound for rheumatism, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Abbott Bros. Co., Berwyn, Ill., on or about February 7, 1922, and transported from the State of Illinois into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) " \* \* \* For Rheumatism \* \* \* ;" (carton) " \* \* \* For Rheumatism \* \* \* Muscular, Articular, Inflammatory, \* \* \* Sciatica, Rheumatic Neuritis, and Stiffness and Soreness of the Joints and Muscles. \* \* \* Lumbago and all Muscular and Nerve Pains of Rheumatic Origin \* \* \* ;" (circular) " \* \* \* for Rheumatism \* \* \* ."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of 8 per cent of potassium iodid,  $1\frac{1}{2}$  per cent of extracts of plant drugs, including colchicum, 16.9 per cent of alcohol, and approximately 73 per cent of water, flavored with small quantities of aromatics, including methyl salicylate.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements, appearing on the labels and packages and in the accompanying circulars, were false and fraudulent since the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On June 1, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be disposed of by the United States marshal according to law.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*



**10699. Adulteration of shell eggs. U. S. \* \* \* v. 46 Cases \* \* \* of Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16792. I. S. No. 3931-v. S. No. C-3776.)**

On August 12, 1922, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 46 cases, more or less, of eggs, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by Albert Reimold, Maitland, Mo., August 4, 1922, and transported from the State of Missouri into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy animal substance, for the further reason that it consisted in part of a decomposed animal substance, and for the further reason that it consisted in part of a putrid animal substance.

On August 16, 1922, the Norris Poultry & Egg Co., St. Joseph, Mo., claimant, having admitted the material allegations of the libel and having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant, upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the product be candled under the supervision of this department and the bad portion thereof destroyed, and the good portion delivered to the claimant.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10700. Adulteration and misbranding of cottonseed cake and cottonseed cake or meal. U. S. \* \* \* v. Robert Lee Batte, trading as Thorndale Oil Mill Co. or Thorndale Oil Mill. Pleas of guilty. Fine, \$100. (F. & D. Nos. 13084, 13178. I. S. Nos. 10725-r, 18812-r.)**

On July 9, 1921, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district informations against Robert Lee Batte, trading as Thorndale Oil Mill Co., or Thorndale Oil Mill, Thorndale, Texas, alleging shipment by said defendant in violation of the Food and Drugs Act, as amended, on or about September 19, 1918, from the State of Texas into the State of Indiana, of a quantity of cottonseed cake which was adulterated and misbranded, and on or about January 20, 1920, from the State of Texas into the State of Kansas, of a quantity of cottonseed cake or meal which was misbranded. The shipment into Indiana was invoiced as C. S. Cake and sold under contract by the defendant as 43 per cent protein cottonseed cake. The shipment into Kansas was labeled in part, "Cotton Seed Cake or Meal 100 Lbs. Gross 99 Lbs. Net \* \* \*."

Analysis of a sample from the Indiana shipment, by the Bureau of Chemistry of this department, showed that it contained 41.6 per cent of protein. Examination of 30 sacks from the Kansas shipment, by the Bureau of Chemistry of this department, showed an average net weight of 95.3 pounds.

Adulteration of the article in the Indiana shipment was alleged in one of the informations for the reason that a product which contained less than 43 per cent of protein had been substituted for 43 per cent cottonseed cake which the article purported to be.

Misbranding of the article in the Kansas shipment was alleged in the other information for the reason that the statement, to wit, "100 Lbs. Gross 99 Lbs. Net," borne on the tags attached to the sacks containing the article, regarding it, was false and misleading in that it represented that each of the sacks weighed 100 pounds gross and that each of said sacks contained 99 pounds net of the article, and for the further reason that said article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said sacks weighed 100 pounds gross and contained 99 pounds net of the article, whereas, in truth and in fact, each of said sacks did not weigh 100 pounds gross but weighed a less amount and each of said sacks did not contain 99 pounds net of the article but contained a less amount. Misbranding of the article in both shipments was alleged for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 21, 1921, the defendant entered pleas of guilty to the informations, and the court imposed fines amounting in the aggregate to \$100.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

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# United States Department of Agriculture.

## SERVICE AND REGULATORY ANNOUNCEMENTS

### BUREAU OF CHEMISTRY.

### SUPPLEMENT.

N. J. 10701-10750.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., December 2, 1922.]

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

**10701. Adulteration and misbranding of canned tomatoes. U. S. v. 100 Cases, et al, of Foote's Best Brand Tomatoes. Decrees of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 15472, 15473, 15474, 15475. I. S. Nos. 17201-t, 17202-t. S. No. E-3599.)

On or about October 14, 1921, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 850 cases of Foote's Best Brand tomatoes, remaining in the original unbroken packages at Richmond, Va., alleging that the article had been shipped by D. E. Foote & Co., Inc., from Baltimore, Md., on or about September 1, 1921, and transported from the State of Maryland into the State of Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Foote's Best Brand" (design showing ripe tomato) "Contents 1 Pound 3 Ounces" (or "2 Pounds") "Tomatoes \* \* \* Packed By D. E. Foote & Co. Incorporated, Baltimore, Md."

Adulteration of the article was alleged in the libels for the reason that water and purée, pulp, or juice from skins and cores had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that it was mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the statement, "Tomatoes," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article.

On December 15, 1921, D. E. Foote & Co., Inc., Baltimore, Md., claimant, having admitted the material allegations of the libel, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,700, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10702. Adulteration and misbranding of cottonseed meal. U. S. v. 300 Sacks of Cottonseed Meal. Decree of condemnation and forfeiture. Product released under bond for use as fertilizer.** (F. & D. Nos. 15752, 15763. I. S. Nos. 9480-t, 9484-t, 9369-t. S. Nos. E-3792, E-3801, E-3802.)

On or about March 2 and March 15, 1922, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 900 sacks of alleged cottonseed meal, remaining unsold in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped on or about January 12, February 24, and February 1, 1922, from the State of Georgia into the State of Florida, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Cotton Seed Meal Manufactured by Central Oil

Company Macon, Georgia Guaranteed Analysis Nitrogen 5.76% Ammonia, not less than 7.00%."

Adulteration of the article was alleged in the libels for the reason that a substance deficient in ammonia or protein had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for the article.

Misbranding was alleged for the reason that the article was an imitation of, and offered for sale under the distinctive name of, another article, and for the further reason that the statements on the sacks, "Nitrogen 5.76%" and "Ammonia, not less than 7.00%," regarding the article and the ingredients and substances contained therein, were false and misleading and deceived and misled the purchaser, since the product contained considerably less than 5.76 per cent of nitrogen and 7 per cent of ammonia.

On July 11, and August 2, 1922, the matter having come on to be heard upon the pleadings, and upon the testimony, documentary and oral, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be delivered to the Nitrate Agencies Co., upon the execution of bond in the aggregate sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the article should not be used for any purpose other than in the manufacture of fertilizer or for sale as a fertilizer, and that it should in no wise be sold as a foodstuff or as feed, and that the costs of the proceedings should be paid by the Central Oil Co.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10703. Adulteration of shell eggs. U. S. v. Max B. Heffner (Hobart Produce Co.). Plea of guilty. Fine, \$25 and costs. (F. & D. No. 15849. I. S. Nos. 3396-t, 3398-t.)**

On February 15, 1922, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Max B. Heffner, trading as Hobart Produce Co., Hobart, Okla., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 11 and July 13, 1921, respectively, from the State of Oklahoma into the State of Kansas, of quantities of shell eggs which were adulterated. The article was labeled in part: (Tag) "Hobart Produce Co. \* \* \* Hobart, Okla. \* \* \*."

Examination, by the Bureau of Chemistry of this department, of 6 cases from the consignment of July 11 and 1,440 eggs from the consignment of July 13 showed that 693 and 120, respectively, or 32.08 and 8.33 per cent, respectively, of those examined were inedible eggs, consisting of black rots, mixed or white rots, mixed rots, moldy, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On February 18, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10704. Misbranding of olive oil. U. S. v. 22 Cans of Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 16062. I. S. No. 14110-t. S. No. W-1047.)**

On February 21, 1922, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 22 cans of olive oil, remaining unsold in the original unbroken packages at Cheyenne, Wyo., consigned by Nasiacos Importing Co., Chicago, Ill., alleging that the article had been shipped from Chicago, Ill., on or about January 11, 1922, and transported from the State of Illinois into the State of Wyoming, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Cans) "Athlete Club Pure Olive Oil Guaranteed Finest Quality Contents Half Gallon Nasiacos Importing Co. Chicago Perseus."

Misbranding of the article was alleged in substance in the libel for the reason that the statement on each of the cans containing the said article, "Contents Half Gallon," was false and misleading, and for the further reason that the said cans were marked so as to deceive and mislead the purchaser, in that they purported to contain a full half-gallon of the said article, whereas, in truth and in fact, each of the said cans did not contain a full half-gallon thereof. Misbranding was alleged for the further reason that the article was [food] in package form, and the quantity of the contents was not plainly and



conspicuously marked on the outside of each package in terms of weight or measure.

On March 27, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10705. Adulteration and misbranding of cider. U. S. v. 4 Barrels and 6 Barrels of Cider. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 16082, 16083. I. S. No. 8837-t. S. No. E-3840.)

On April 6, 1922, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 10 barrels of cider, remaining in the original unbroken packages at Baltimore, Md., consigned on or about March 13, 1922, alleging that the article had been shipped by the Interstate Fruit Product Co., Charles Town, W. Va., and transported from the State of West Virginia into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Pure Apple Juice Heck and Heck Brand Manufactured by International Fruit Product Co., Baltimore, Md. \* \* \*."

Adulteration of the article was alleged in the libel for the reason that a substance, saccharin, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a fermented apple juice containing saccharin had been substituted wholly or in part for pure apple juice, which the article purported to be, and for the further reason that it contained an added poisonous or other deleterious ingredient, saccharin, which might have rendered it injurious to health.

Misbranding was alleged in substance for the reason that the statement on the label of the barrels containing the article, "Pure Apple Juice," was false and misleading, and deceived and misled the purchaser.

On June 15, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10706. Adulteration and misbranding of cider vinegar. U. S. v. 32 Barrels of Vinegar. Default decree of condemnation, forfeiture, and sale.** (F. & D. No. 16105. I. S. No. 17027-t. S. No. E-3843.)

On April 19, 1922, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 32 barrels of vinegar, remaining in the original unbroken packages at Cumberland, Md., consigned November 16, 1921, alleging that the article had been shipped by the De Luxe Produce Co., Allegheny, Pa., and transported from the State of Pennsylvania into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "De Luxe Produce Co., Pure Cider Vinegar, Pittsburgh, Pa. 50."

Adulteration of the article was alleged in the libel for the reason that a substance, distilled vinegar, had been mixed and packed with the said article so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part therefor.

Misbranding was alleged in substance for the reason that the statement appearing on the labels of the barrels containing the article, "Pure Cider Vinegar," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article.

On June 30, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10707. Adulteration and misbranding of vinegar. U. S. v. 34 Barrels of Vinegar. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 16113. I. S. No. 8836-t. S. No. E-3849.)

On April 19, 1922, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 34 barrels of vinegar, remaining in the original unbroken packages at Cum-



berland, Md., consigned November 29, 1921, alleging that the article had been shipped by the National Fruit Product Co., Martinsburg, W. Va., and transported from the State of West Virginia into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel for the reason that distilled vinegar had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the article.

Misbranding was alleged in substance for the reason that the statement appearing on the label of the barrel containing the article, to wit, "National Fruit Product Co. Pure Apple Vinegar Made from Evaporated Apple Products," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, and for the further reason that it was (food) in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 5, 1922, the National Fruit Product Co., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant, upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10708. Adulteration of canned corn. U. S. v. 1000 Cases of Canned Corn. Consent decree of condemnation and forfeiture. Product released on bond for salvaging. (F. & D. No. 16120. I. S. No. 3924-t. S. No. C-3538.)**

On April 21, 1922, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on April 25, 1922, an amended libel, for the seizure and condemnation of 1,000 cases of canned corn, remaining unsold in the original unbroken packages at Oklahoma City, Okla., alleging that the article had been shipped on or about March 15, 1922, by the Dexter-Farmer Canning Co., Van Horn, Iowa, and transported from the State of Iowa into the State of Oklahoma, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Ever Ready Corn \* \* \* Packed by Dexter-Farmer Canning Co. Dexter, Ia., Van Horne, Ia."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted wholly or in part of a filthy and decomposed vegetable substance.

On May 24, 1922, the Dexter-Farmer Canning Co., claimant, having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be released to said claimant for salvaging under the supervision of this department, and that such portion of said product as might be found to be adulterated be destroyed, upon payment of all the costs of the proceeding and the execution of bond in the sum of \$2,000, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10709. Adulteration and misbranding of butter. U. S. v. 80 Cases of Morris Supreme Fancy Creamery Butter. Consent decree of condemnation and forfeiture. Product released on bond for reworking, repacking, and relabeling. (F. & D. No. 16383. I. S. No. 8199-t. S. No. E-3900.)**

On June 7, 1922, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 80 cases of an article labeled, "Morris Supreme Fancy Creamery Butter, 1 Pound Net," remaining unsold in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped on May 31, 1922, by Morris & Co., Nashville, Tenn., and transported from the State of Tennessee into the State of Georgia, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel for the reason that excessive water had been mixed and packed with and substituted in part for the article.

Misbranding was alleged for the reason that the statement on the labels on the cartons containing the article regarding it, "Butter, 1 Pound Net," was

false and misleading, since the article was not pure butter and the packages did not contain 1 pound net, but considerably less than that amount, and for the further reason that said article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On or about June 19, 1922, Morris & Co., Inc., having a place of business at Savannah, Ga., having appeared, filed its claim, and admitted the allegations contained in the libel, judgment of condemnation was entered, and it was ordered by the court that the product might be released to said claimant for reworking, repacking, and relabeling, under the supervision of this department, upon the execution of bond in the sum of \$310.50, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10710 (supplement to N. J. 6151). Adulteration and misbranding of compound essence grape. U. S. v. Joseph L. Schider (Jos. L. Schider & Co.). Plea of guilty. Fine, \$50. (F. & D. No. 7805. I. S. No. 12349-k.)**

On April 15, 1918, the Supreme Court of the United States reversed the judgment of the trial court, which sustained defendant's demurrer to the indictment in a case involving the interstate shipment of an article labeled in part, "Compound Ess Grape, Jos. L. Schider & Co., 93-95 Maiden Lane, New York," which was charged to have been adulterated and misbranded, and remanded the case for further proceedings, in accordance with the opinion of the Supreme Court.

On November 14, 1919, the matter having come on for final disposition in the trial court, the defendant entered a plea of guilty to the indictment, and the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10711. Misbranding of McMullin's tonic. U. S. v. 2 Bottles and 2 Dozen Bottles of McMullin's Tonic. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14806, 14807. I. S. No. 3961-t. S. Nos. C-2975, C-2977.)**

On April 8 and 29, 1921, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 2 bottles and 2 dozen bottles, more or less, of McMullin's tonic, at Leavenworth and Wichita, Kans., alleging that the article had been shipped on or about September 18 and October 16, 1920, by Tilden McMullin, Sedalia, Mo., and transported from the State of Missouri into the State of Kansas, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of glycerin, alcohol, and water, with traces of iodid and phenol.

Misbranding of the article was alleged in substance in the libels for the reason that the following statement, regarding the therapeutic or curative effect thereof, appearing on the labels of the bottles, to wit, " \* \* \* Tonic \* \* \* Affords great relief in cases of \* \* \* Consumption, Asthma, Catarrh and Bronchitis," was false and fraudulent in that it was applied to said article knowingly and in a reckless and wanton disregard of its truth and falsity, so as to represent falsely and fraudulently to the purchasers thereof and create in the minds of the purchasers thereof the impression and belief that said article was in whole or in part composed of or contained ingredients or medicinal agents capable, among other things, of producing the therapeutic effect claimed for it on the labels on said bottles, when, in truth and in fact, it was not and did not.

On August 9 and 13, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10712. Adulteration and misbranding of egg noodles. U. S. v. 17 Cases of Tri-State Egg Noodles. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15036. I. S. No. 10803-t. S. No. W-974.)**

On June 11, 1921, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 17 cases of Tri-State egg noodles, remaining unsold in the original packages at Deming, N. Mex., alleging that the article had been shipped by the Sharp Elliott Mfg. Co., El Paso, Tex., March 20, 1920, and transported from the State of Texas into the State of New Mexico, and charging adulteration and mis-



branding in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "5 Ozs. Net Tri-State Brand Egg Noodles Manufactured by Sharp Elliott Mfg. Co., El Paso, Texas."

Adulteration of the article was alleged in the libel for the reason that plain noodles containing little or no egg had been substituted wholly or in part for egg noodles, which the said article purported to be.

Misbranding was alleged in substance for the reason that the labeling, to wit, "Egg Noodles," borne on the cases and cartons containing the article, was false and misleading in that the said article was not egg noodles but plain noodles, containing little or no egg. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of an article other than that contained within the said cartons and cases.

On October 10, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10713. Misbranding of cucumbers. U. S. v. South Carolina Produce Assoc., a Corporation. Plea of guilty. Fine, \$10 and costs. (F. & D. No. 15433. I. S. No. 9290-t.)**

On March 22, 1922, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the South Carolina Produce Assoc., a corporation, Meggett, S. C., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about June 1, 1921, from the State of South Carolina into the State of New Jersey, of a number of baskets containing cucumbers which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 8, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10714. Misbranding of cottonseed cake. U. S. v. Commonwealth Cotton Oil Co., a Corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 15456. I. S. No. 11656-t.)**

On January 13, 1922, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Commonwealth Cotton Oil Co., a corporation, Cushing, Okla., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 5, 1920, from the State of Oklahoma into the State of Missouri, of a quantity of cottonseed cake which was misbranded. The article was labeled in part: "Gold Medal—43 Per cent. 100 lbs. Cottonseed Meal or Cake. \* \* \* Commonwealth Cotton Oil Co. Cushing, Oklahoma."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 40.85 per cent of protein.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Guaranteed Analysis: Crude Protein 43 per cent or better" and "Guaranteed Analysis Protein, Not Less Than 43%," borne on the tags attached to the sacks containing the article, regarding the article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the article contained not less than 43 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 43 per cent of protein, whereas, in truth and in fact, the said article did contain less than 43 per cent of protein, to wit, approximately 40.85 per cent.

On April 10, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10715. Misbranding of Aspironal. U. S. v. 47½ Dozen Bottles of Aspironal. Tried to the court and a jury. Judgment ordering condemnation, forfeiture, and destruction of the product. (F. & D. Nos. 15683, 15684. S. No. E-3659.)**

On December 2, 1921, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the



seizure and condemnation of 47½ dozen bottles of Aspironal, remaining in the original unbroken packages at Charleston, S. C., alleging that the article had been shipped by the Aspironal Laboratories, Atlanta, Ga., on or about August 13, 1920, and transported from the State of Georgia into the State of South Carolina, and charging misbranding in violation of the Food and Drugs Act, as amended: The article was labeled in part: " \* \* \* Colds, Coughs, Influenza, La Grippe \* \* \* Headache, Toothache, Earache, Stomachache, Neuralgia, Sciatica, \* \* \* Rheumatism."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained sodium salicylate, camphor, menthol, extracts of plant drugs, including cascara sagrada and belladonna, a small amount of sugar, alcohol, and water.

It was alleged in substance in the libel that the article was misbranded in regard to the curative and therapeutic effects of the said article, in that the above-quoted statements were misleading, false, and fraudulent, for the reason that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 17, 1922, no claimant having appeared for the property, and the case having come on for final disposition before the court and a jury, judgment for the Government was entered, and it was ordered by the court that the product be condemned and forfeited and that it be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10716. Adulteration of lemon soda. U. S. v. 398, 979, and 366 Bottles of Lemon Soda. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 15804, 15805, 15806. I. S. Nos. 9805-t, 9802-t, 9803-t. S. Nos. E-3806, E-3763, E-3764.)

On January 21 and February 7, 1922, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 398 bottles, 979 bottles, and 366 bottles of lemon soda at Ponce, Arecibo, and Bayamon, Porto Rico, alleging that the article was being offered for sale and sold in Porto Rico, and charging adulteration in violation of the Food and Drugs Act. The 398 bottles were labeled in part, "Soda De Limon." The 979 bottles were labeled in part, "Moreda y Martin \* \* \* Limonada." The 366 bottles were labeled in part, "La Borinquen Limon."

Adulteration of the article was alleged in the libels for the reason that a solution of saccharin had been substituted in part for said article.

On August 1, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10717. Adulteration of coriander seed. U. S. v. 6 Bags and 3 Barrels of Alleged Coriander Seed. Consent decree of condemnation and forfeiture. Product ordered released on bond.** (F. & D. No. 15973. I. S. Nos. 1788-t, 1789-t. S. No. C-3426.)

On February 13, 1922, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 6 bags and 3 barrels, more or less, of alleged coriander seed, at Kansas City, Kans., alleging that the article had been shipped on or about January 21 and January 23, 1922, by the Steinwender-Stoffregen Coffee Co., St. Louis, Mo., and transported from the State of Missouri into the State of Kansas, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in whole or in part of filthy, decomposed, and putrid vegetable substance.

On April 5, 1922, the Steinwender-Stoffregen Coffee Co., a corporation, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be released to said claimant, upon payment of the costs of the proceedings and the execution of bond in the sum of \$100, in conformity with section 10 of the act, conditioned in part that the article be relabeled and that, if the product should be transported in interstate commerce, it should be transported only for the purpose of its removal to the closest and most convenient place for its being put into proper condition for sale.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**1071S. Adulteration of shell eggs. U. S. v. Andy S. Calico. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 16024. I. S. No. 13464-t.)**

On May 24, 1922, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Andy S. Calico, Lenapah, Okla., alleging shipment by said defendant on or about July 21, 1921, from the State of Oklahoma into the State of Kansas, of a quantity of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of a sample of the article consisting of 360 eggs showed the presence of 50 inedible eggs, or 13.88 per cent, composed of black rots, mixed or white rots, moldy, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On August 14, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10719. Misbranding of olive oil. U. S. v. Socrates Moscahlades and Stylianos Moscahlades (Moscahlades Bros.). Pleas of guilty. Fine, \$75. (F. & D. No. 16215. I. S. No. 6020-t.)**

On June 26, 1922, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Socrates Moscahlades and Stylianos Moscahlades, copartners, trading under the name of Moscahlades Bros., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about May 6, 1921, from the State of New York into the State of Pennsylvania, of a quantity of olive oil which was misbranded. The article was labeled in part: "Apollo Brand Extra Refined Pure Olive Oil Specially Imported and Packed By Moscahlades Bros. \* \* \* Net Contents 1 Gallon."

Examination of a sample of the article by the Bureau of Chemistry of this department showed an average shortage on 8 cans from the declared volume of approximately 4.90 per cent.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net Contents 1 Gallon," borne on the cans containing the said article, regarding the article, was false and misleading in that it represented that each of the said cans contained 1 gallon net of the said article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained 1 gallon net of the said article, whereas, in truth and in fact, each of said cans did not contain 1 gallon net of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 26, 1922, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$75.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10720. Misbranding of Zendejas Treatment. U. S. v. 17 Bottles of Zendejas Treatment. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15329. I. S. No. 3013-t. S. No. C-3164.)**

On September 9, 1921, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 17 bottles of Zendejas Treatment, at Laredo, Tex., alleging that the article had been shipped by P. Joslyn, Los Angeles, Calif. (invoiced by P. Zendejas, Los Angeles, Calif.), on or about May 11, 1921, and transported from the State of California into the State of Texas, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Circular, English and Spanish) "Zendejas Treatment Cleanser and Regenerator of the Blood \* \* \* do not despair \* \* \* the Zendejas Treatment \* \* \* a remedy that purifies the blood \* \* \* a blood purifier \* \* \* rheumatism, kidney trouble, pains in different parts of the body, catarrh, indigestion \* \* \* tumors, sores, pimples, and hundreds of other diseases \* \* \* disappear \* \* \* heart \* \* \* may stop on you most any time \* \* \* Have you any pains? Sores? Does it get dark before you when you arise from a stooping position? Have you a lame back in the morning?"



Is your tongue coated? Does your breath smell so that people turn away from you in disgust? Is your hair falling? Are you weak? Are you out of breath when you run a short distance or climb a few steps? Are you nervous? Is it hard for you to fall asleep? Do you get swellings? Do you catch cold easily? Are you bashful? \* \* \* Have you sores on your body? Any pimples on the face and back? \* \* \* do something before it is too late \* \* \* Zendejas Treatment \* \* \*."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of potassium iodid, extracts of plant drugs, including sarsaparilla and a laxative drug, a trace of formaldehyde, flavoring material, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements regarding the curative or therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On November 14, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10721. Adulteration of prunes. U. S. v. 175 Boxes of Prunes. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 15527. I. S. No. 6434-t. S. No. E-3630.)

On November 5, 1921, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 175 boxes of prunes, remaining unsold at Trenton, N. J., alleging that the article had been shipped by Louis Marks & Son, New York, N. Y., on or about October 18, 1921, and transported from the State of New York into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "California Prune Sunsweet Natural Flavor California Prune and Apricot Growers Inc., San Jose, Cal. \* \* \*."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On June 23, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10722. Misbranding of cottonseed meal. U. S. v. Tecumseh Oil & Cotton Co., a Corporation. Plea of guilty. Fine, \$50 and costs.** (F. & D. No. 15567. I. S. No. 11657-t.)

On January 13, 1922, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Tecumseh Oil & Cotton Co., a corporation, trading at Tecumseh, Okla., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 15, 1920, from the State of Oklahoma into the State of Kansas, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: "\* \* \* Choctaw Quality Cottonseed Cake and Meal \* \* \*."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 41.10 per cent of protein.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Guaranteed Analysis Protein, not less than 43%," borne on the tags attached to the sacks containing the article, regarding the article and the ingredients and substances contained therein, was false and misleading, in that the said statement represented that the article contained not less than 43 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 43 per cent of protein, whereas, in fact and in truth, the said article did contain less than 43 per cent of protein, to wit, approximately 41.10 per cent.

On January 17, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*



**10723. Misbranding of cottonseed meal. U. S. v. Elk City Cotton Oil Co., a Corporation. Plea of guilty. Fine, \$75 and costs. (F. & D. No. 15596. I. S. No. 12783-t.)**

On March 15, 1922, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Elk City Cotton Oil Co., a corporation, Elk City, Okla., alleging shipment by said company, in violation of the Food and Drugs Act, on or about March 24, 1921, from the State of Oklahoma into the State of Texas, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: "100 lbs. Net Elko Brand Cotton Seed Cake or Meal Elk City Cotton Oil Co. Elk City, Okla \* \* \*"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 34.39 per cent of protein and 13.45 per cent of crude fiber.

Misbranding of the article was alleged in substance in the information for the reason that the statements, to wit, "Cotton Seed Cake or Meal \* \* \* Guaranteed Analysis Crude Protein (minimum) 43 Per Cent \* \* \* Crude Fibre (maximum) 10 Per cent," borne on the tags attached to the sacks containing the article, regarding the article and the ingredients and substances contained in the said sacks, were false and misleading in that the statement "cotton seed cake" represented that the article was cottonseed cake or meal, to wit, a cottonseed product containing not less than 36 per cent of protein, and in that it was also represented to contain not less than 43 per cent of crude protein and not more than 10 per cent of crude fiber, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was cottonseed cake or meal, to wit, a cottonseed product containing not less than 36 per cent of protein and that it contained not less than 43 per cent of crude protein and not more than 10 per cent of crude fiber, whereas, in truth and in fact, the said article was not cottonseed cake or meal, in that it contained less than 36 per cent of protein, to wit, approximately 34.39 per cent of protein, and the said article contained less than 43 per cent of crude protein and more than 10 per cent of crude fiber. Misbranding was alleged for the further reason that the article was a product composed of a mixture of cottonseed hulls and cottonseed meal deficient in crude protein and containing excess quantities of crude fiber, and was an imitation of and offered for sale under the distinctive name of another article, to wit, cottonseed meal or cake.

On April 3, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$75 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10724. Adulteration of lemons. U. S. v. 124 Boxes of Lemons. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15756. I. S. No. 6040-t. S. No. E-3798.)**

On March 7, 1922, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 124 boxes of lemons, remaining in the original and unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped by Joseph Gentile Co., Highland, Calif., on or about February 15, 1922, and transported from the State of California into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Chess King \* \* \* Ely Gillmore Fruit Co. California."

Adulteration of the article was alleged in the libel for the reason that it consisted, in whole or in part, of a filthy, decomposed vegetable substance.

On April 1, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10725. Misbranding of Lee's Hazel antiseptic cones. U. S. v. 31 Packages of Lee's Hazel Antiseptic Cones. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16114. S. No. C-3516.)**

On April 19, 1922, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 31 packages of Lee's Hazel antiseptic cones, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Hazel Hygienic Co., Denver, Colo., on or about April 7, 1922,

and transported from the State of Colorado into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of suppositories of cocoa butter, boric acid, sodium salicylate, a trace of zinc salt, and perfume.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements regarding its curative and therapeutic effect, appearing on the label of the box containing the said article and in the accompanying circular, (box) " \* \* \* For Female Disorders \* \* \*," (circular) " \* \* \* Women suffering from Leucorrhoea, \* \* \* Inflammation of the Genital Organs and the various disorders of the Vagina and Uterus will find in Lee's Hazel Antiseptic Cones an effective remedy. \* \* \* for various distressing derangements of the Uterine Organs, \* \* \* It applies directly to the weak, diseased organs the influence necessary to overcome the fundamental disturbances. Women who suffer from derangements peculiar to their sex cannot afford to neglect them. Lee's Hazel Antiseptic Cones Are \* \* \* decidedly effective. \* \* \* insuring the thorough therapeutic action needed in the treatment of female disorders. They Help The Conditions Caused By Leucorrhoea. Congestion renders the womb heavy thereby stretching the ligaments, the natural support of the womb thus causing displacements of the womb. By relieving congestion this cause of displacement is removed. Congestion is also a cause of painful menstruation. Relief of congestion removes this cause of painful menstruation. \* \* \* For Female Complaints in General A remedy of great medicinal value which is used by women suffering from derangements peculiar to their sex. The secret of the success of Lee's Hazel Antiseptic Cones lies in the application of the medicine to the affected parts, \* \* \* If the case is extremely severe and of long standing \* \* \* This remedy \* \* \* has its field in the treatment of the conditions described. Lee's Hazel Antiseptic Cones Are \* \* \* decidedly effective. \* \* \*," were false and fraudulent, since the said article contained no ingredients or combination of ingredients capable of producing the effects claimed.

On May 29, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10726. Adulteration of frozen eggs. U. S. v. 300 Cans of Frozen Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16151. I. S. No. 7921-t. S. No. E-3851.)**

On April 26, 1922, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 300 cans of frozen eggs, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the American Egg & Products Co. (Booth Cold Storage Co.), St. Louis, Mo., alleging that the article had been shipped from St. Louis, Mo., on or about February 10, 1922, and transported from the State of Missouri into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On May 26, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10727. Misbranding of Durand's Swiss herb tea. U. S. v. 10 Dozen Packages, et al, of Durand's Swiss Herb Tea. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 16274, 16275, 16301. S. Nos. C-3580, C-3583, C-3619.)**

On May 4 and 9, 1922, respectively, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 35 dozen packages of Durand's Swiss herb tea, at Chicago, Ill., alleging that the article had been shipped by the Durand Medicine Co., Cincinnati, Ohio, January 17, March 17, and March 30, 1922, respectively, and transported from the State of Ohio into the State of Illinois, and charging misbranding in violation of the Food and Drugs Act, as amended.



Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of a mixture of plant drugs, including senna leaves, orange peel, fennel seed, licorice root, juniper berries, althea root, sassafras bark, and lavender flowers.

Misbranding of the article was alleged in substance in the libels for the reason that the following statements, regarding the curative or therapeutic effects of the said article, appearing on the wrapper enclosing the same and in the accompanying circular and price list, to wit, (wrapper) " \* \* \* to be used against Headache \* \* \* Dizziness, Indigestion, Female Complaints, Liver and Kidney Complaints, Blood and Skin Diseases, \* \* \* etc. \* \* \* To purify your blood \* \* \* Nature's Own Blood Purifier. \* \* \* Malarial Fever, Chills, \* \* \* Female Troubles. \* \* \* Liver and Kidney Troubles, etc. Beautifies the Complexion \* \* \* For colds, coughs \* \* \* " (circular) " \* \* \* The Great Blood Purifying \* \* \* Remedy. To be used against Colds and disorders of the Lungs, Stomach, Liver, Kidneys and Bladder; also against Headache \* \* \* Coughs, Dizziness, Loss of Appetite, Indigestion, Phlegm, Sleeplessness, Pale Complexion, Weakness, Pains in the Limbs, Rheumatism, Inflammation, Toothache, Blood and Skin Diseases, and Female Complaints \* \* \* by taking cold \* \* \* sicknesses may result, such as fevers, measles, rheumatism, inflamed and sore throat, cough, skin diseases, boils, toothache, earache, headache, neuralgia, swollen glands and limbs, and many others. Therefore, as soon as you commence feeling badly you should at once take a cup of Durand's Tea. \* \* \* For use.— In all cases of *Colds, Chills, Toothache, etc.* \* \* \* *Cough, Hoarseness, Influenza, Phlegm* \* \* \* *Indigestion, Headache*, and in general, take \* \* \* until the desired effect is obtained. \* \* \* *Blood Purifier* and *Liver Regulator* and in \* \* \* *Skin Diseases, Boils, Kidney Troubles*, and all *Scrofulous and Chronic Evils* \* \* \* In case of *Female Complaints, Colds* and *Costiveness during Pregnancy* this Tea should be made not very strong, and taken every day. All these troubles may affect the child more than they do the mother. If neglected, they may cause sores and eruptions on the child's head, face and ears for a long time after its birth. For *Imperfect or Irregular Menstruation*, \* \* \* " (price list) " \* \* \* This tea \* \* \* can be used in almost every case of sickness \* \* \*. It is a valuable remedy for purifying the blood, \* \* \* most excellent for \* \* \* Colds, Coughs, Indigestion, Headache, Dizziness, Loss of Appetite, Fluttering at the Heart, Pains in the Back and Side, Liver and Kidney Trouble, Rheumatism, Itching of the Skin, Sallow Complexion, Heartburn, Nausea, Billiousness, and Sleeplessness. If you are suffering with acidity of the Stomach, disgust for food, choking or suffocating sensations when in bed, dimness of vision, flatulency, hurried or difficult breathing, inward piles, fulness of blood to the head, pimples, or any of the many complaints arising from impure blood and want of action of the liver, you should at once commence taking Durand's Tea \* \* \* " were false and fraudulent, in that the said statements were applied to the article so as to represent falsely and fraudulently to purchasers thereof, and to create in the minds of such purchasers the impression and belief that the said article was composed of ingredients or medicinal agents, or combinations of ingredients, effective as a remedy for the several diseases, ailments, and afflictions mentioned therein, whereas, in truth and in fact, it was not.

On June 12, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, Acting Secretary of Agriculture.

**10728. Misbranding of Lee's Hazel antiseptic cones. U. S. v. 10 Packages of Lee's Hazel Antiseptic Cones. Default decree of condemnation and forfeiture. Product ordered disposed of according to law.** (F. & D. No. 16325. I. S. No. 11115-t. S. No. W-1088.)

On May 16, 1922, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 packages of Lee's Hazel antiseptic cones, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Hazel Hygienic Co., Denver, Colo., on or about May 4, 1922, and transported from the State of Colorado into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of suppositories of cocoa butter, boric acid, sodium salicylate, a trace of zinc salt, and perfume.



Misbranding of the article was alleged in substance in the libel for the reason that it was labeled in part on the bottles and in the accompanying circulars as follows, (box) " \* \* \* For Female Disorders \* \* \* " (circular) "Women suffering from Leucorrhoea \* \* \* Inflammation of the Genital Organs and the various disorders of the Vagina and Uterus will find in Lee's Hazel Antiseptic Cones an effective remedy. \* \* \* for various distressing derangements of the Uterine Organs \* \* \* It applies \* \* \* to the weak, diseased organs the influence necessary to overcome the fundamental disturbance. Women who suffer from derangements peculiar to their sex cannot afford to neglect them. Lee's Hazel Antiseptic Cones Are \* \* \* decidedly effective. \* \* \* insuring the thorough therapeutic action needed in the treatment of female disorders. They Help The Conditions Caused by Leucorrhoea. Congestion renders the womb heavy thereby stretching the ligaments, the natural support of the womb \* \* \* By relieving congestion this cause of displacement is removed. Congestion is also a cause of painful menstruation. \* \* \* For Female Complaints in General A remedy of great medicinal value which is used by women suffering from derangements peculiar to their sex. The secret of the success of Lee's Hazel Antiseptic Cones lies in the application of the medicine to the affected parts. \* \* \* If the case is extremely severe and of long standing \* \* \* This remedy \* \* \* has its field in the treatment of the conditions described. Lee's Hazel Antiseptic Cones Are \* \* \* decidedly effective. \* \* \*," which statements on the said box labels and circulars were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On June 6, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be disposed of by the United States marshal according to law.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10729. Misbranding of Yerk's palatable wine extract of cod liver oil. U. S. v. 5 Dozen Bottles of Yerk's Palatable Wine Extract of Cod Liver Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16330. S. No. C-2918.)**

On May 18, 1922, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 dozen bottles of Yerk's palatable wine extract of cod liver oil, at Chicago, Ill., alleging that the article had been shipped by the Yerk's Chemical Co., Winston-Salem, N. C., October 31, 1921, and transported from the State of North Carolina into the State of Illinois, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of compounds of sodium, potassium, calcium, iron, quinine, strychnine, and phosphorus, extracts of plant drugs, including wild cherry bark, possible traces of cod liver oil and malt extract, sugar, alcohol, and water, flavored with benzaldehyde.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements, regarding its curative or therapeutic effect, appearing on the labels of the bottles and cartons containing the said article, to wit, (bottle and carton) " \* \* \* A superior nutrient \* \* \* and reconstructive of especial value for restoring tone and vigor to the entire system. Indicated in General Debility, Nervous Prostration, Tuberculosis, Emaciation, Scrofulosis, Winter Cough, Bronchitis, etc.," (carton) " \* \* \* Builds You Up \* \* \* Unexcelled as a \* \* \* nutrient and reconstructive remedy. Indicated in \* \* \* General Debility, Nervous Prostration, Neurasthenia, Anemia, Chlorosis, Nervous Dyspepsia, Hysteria, Chronic Cough, \* \* \* diseases requiring building up treatment. \* \* \* nerve-nutrient and reconstructive," were false and fraudulent, in that the said statements were applied to the said article so as to represent falsely and fraudulently to purchasers thereof, and to create in the minds of such purchasers the impression and belief, that the article was composed of or contained ingredients or medicinal agents or combinations of ingredients effective as a remedy for the several diseases, ailments, and afflictions mentioned in the said labels.

On June 12, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10730. Alleged misbranding of cottonseed meal. U. S. v. Red River Oil Co., Ltd., a Corporation. Tried to the court and jury. Verdict of not guilty. (F. & D. No. 11800. I. S. No. 11995-r.)**

On July 31, 1920, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Red River Oil Co., Ltd., a corporation, Alexandria, La., alleging shipment by said company, on or about February 2, 1919, from the State of Louisiana into the State of Kansas, of a quantity of Forfat Brand cottonseed meal, which was alleged to have been misbranded, in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 37.06 per cent of protein, 15.79 per cent of crude fiber, and 5.93 per cent of nitrogen. Examination also showed that the average net weight of 23 sacks was 95.97 pounds.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Guaranteed Analysis \* \* \* Protein 38.55% \* \* \* Crude Fibre 12.00% \* \* \* Equivalent Nitrogen 6.17%" and "100 lbs. Gross 99 lbs. Net," borne on the sacks containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article contained not less than 38.55 per cent of protein, not more than 12 per cent of crude fiber, and not less than 6.17 per cent of equivalent nitrogen, and that each of the said sacks weighed not less than 100 pounds gross, and that each of the said sacks contained not less than 99 pounds net of the article, and for the further reason that the said article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 38.55 per cent of protein, not more than 12 per cent of crude fiber, and not less than 6.17 per cent of equivalent nitrogen, that each of said sacks weighed not less than 100 pounds gross, and that each of said sacks contained not less than 99 pounds net of the article, whereas, in truth and in fact, said article contained less than 38.55 per cent of protein, more than 12 per cent of crude fiber, and less than 6.17 per cent of equivalent nitrogen, to wit, 37.06 per cent of protein, 15.79 per cent of crude fiber, and 5.93 per cent of equivalent nitrogen, each of said sacks did not weigh 100 pounds gross, and each of said sacks did not contain 99 pounds net of the article. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 12, 1922, the case having come on for trial before the court and a jury, after the submission of evidence and arguments by counsel, the case was given to the jury and after due deliberation they returned into court with a verdict of not guilty.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10731. Adulteration and misbranding of cottonseed meal and misbranding of cottonseed feed. U. S. v. Southern Cotton Oil Co. Judgment conceded in one case, fine of \$50 and costs imposed; other case tried to the court, finding of guilty, and fine of \$25 and costs. (F. & D. Nos. 14345, 14504. I. S. Nos. 11091-r, 24732-r.)**

On May 12 and 21, 1921, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district informations against the Southern Cotton Oil Co., a corporation, doing business at Newport, Ark., alleging shipment by said company, in one of the informations, on or about November 26, 1919, from the State of Arkansas into the State of Michigan, of a quantity of Danish Brand cottonseed meal, which was adulterated and misbranded, and, in the other information, by said company, in the name of S. P. Davis, on or about November 1, 1919, from the State of Arkansas into the State of Wisconsin, of a quantity of Beauty Brand cottonseed feed, the first of which was adulterated and misbranded and the second misbranded in violation of the Food and Drugs Act.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the cottonseed meal contained 5.47 per cent of nitrogen, 34.2 per cent of protein, and 15.71 per cent of crude fiber, and that the cottonseed feed contained 5.27 per cent of fat, 5.41 per cent of nitrogen, 6.57 per cent of ammonia, and 33.86 per cent of protein.

Adulteration of the cottonseed meal was alleged in one of the informations for the reason that a certain substance, to wit, cottonseed hulls, had been mixed



and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for cottonseed meal, which the article purported to be.

Misbranding of the cottonseed meal was alleged for the reason that the following statements, to wit, "Cottonseed Meal" and "Guaranteed Analysis Protein 36.00% \* \* \* Crude Fibre 15.00 \* \* \* Equivalent Nitrogen 5.75%," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that said article consisted wholly of cottonseed meal and that it contained not less than 36 per cent of protein and not more than 15 per cent of crude fiber, and that it contained nitrogen equivalent to 5.75 per cent, and for the further reason that said article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of cottonseed meal, and that it contained not less than 36 per cent of protein and not more than 15 per cent of crude fiber and that it contained nitrogen equivalent to 5.75 per cent, whereas, in truth and in fact, said article did not consist wholly of cottonseed meal but consisted in part of cottonseed hulls, and said article did contain less than 36 per cent of protein and more than 15 per cent of crude fiber and did not contain nitrogen equivalent to 5.75 per cent.

Misbranding of the cottonseed feed was alleged in the other information for the reason that the following statements, to wit, "Guaranteed Analysis Ammonia 7% Protein 36% Nitrogen 5 $\frac{1}{4}$ % Fat 6% Crude Fiber 14%," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article contained not less than 7 per cent of ammonia, 36 per cent of protein, 5 $\frac{1}{4}$  per cent of nitrogen, 6 per cent of fat, and not more than 14 per cent of crude fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 7 per cent of ammonia, 36 per cent of protein, 5 $\frac{1}{4}$  per cent of nitrogen, 6 per cent of fat, and not more than 14 per cent of crude fiber, whereas, in truth and in fact, it did contain less than 7 per cent of ammonia, less than 36 per cent of protein, less than 5 $\frac{1}{4}$  per cent of nitrogen, and less than 6 per cent of fat, and did contain more than 14 per cent of crude fiber.

On March 22, 1922, the case involving the cottonseed feed having come on for trial before the court, after the submission of evidence and arguments by counsel, the court found the defendant company guilty, and imposed a fine of \$25 and costs; thereupon the company by its counsel conceded judgment in the case involving the cottonseed meal, and the court imposed a fine of \$50 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10732. Misbranding of tankage. U. S. v. Farmers Terminal Packing Co., a Corporation. Plea of guilty. Fine, \$10. (F. & D. No. 14532. I. S. No. 3417-t.)**

On December 13, 1921, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Farmers Terminal Packing Co., a corporation, Newport, Minn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 18, 1920, from the State of Minnesota into the State of South Dakota, of a quantity of tankage which was misbranded. The article was labeled, in part: "Meat Residue."

Analysis of a sample of this article, by the Bureau of Chemistry of this department, showed the presence of 46.88 per cent of protein.

Misbranding of the article was alleged in the information for the reason that the following statement, to wit, "Guaranteed analysis, protein 50%," borne on the labels, stenciled on the sacks containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained not less than 50 per cent of protein, and for the further reason that the said article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 50 per cent of protein, whereas, in truth and in fact, said article did contain less than 50 per cent of protein.

On December 13, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*



**10733. Adulteration and misbranding of butter. U. S. v. John Peterson and Emil T. Lindquist, Co-partners (Moose Lake Creamery Co.). Plea of guilty. Fine, \$100. (F. & D. No. 14537. I. S. Nos. 3412-t, 3433-t.)**

On July 12, 1921, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John Peterson and Emil T. Lindquist, co-partners, trading under the name and style of Moose Lake Creamery Co., Moose Lake, Minn., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about August 6 and September 27, 1920, from the State of Minnesota into the State of Wisconsin, of consignments of butter which in each instance was adulterated and misbranded. The article was labeled in part: "Moose Lake Brand Creamery Butter."

Examination of a sample of the article by the Bureau of Chemistry of this department showed that it was deficient in butter fat and that it contained an excessive amount of moisture.

Adulteration of the article in each shipment was alleged in the information for the reason that a product deficient in milk fat and containing an excessive proportion of moisture had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in whole or in part for creamery butter which the article purported to be.

Misbranding was alleged for the reason that the following statement, to wit, "Creamery Butter," borne on the labels of the packages, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the article was creamery butter, and for the further reason that said article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was creamery butter, whereas, in truth and in fact, it was not, but was a product deficient in milk fat and contained an excessive proportion of moisture. Misbranding was alleged for the further reason that the article was a product, deficient in milk fat and containing an excessive proportion of moisture, prepared in imitation of and offered for sale and sold under the distinctive name of another article, to wit, creamery butter.

On July 12, 1921, a plea of guilty to the information was entered on behalf of the defendants, and the court imposed a fine of \$100.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10734. Adulteration and misbranding of hay. U. S. v. Consumers Grain Co., a Corporation. Plea of guilty. Fine, \$10. (F. & D. No. 14746. I. S. No. 12076-t.)**

On December 14, 1922, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Consumers Grain Co., a corporation, St. Paul, Minn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 17, 1919, from the State of Minnesota into the State of Montana, of a quantity of hay which was adulterated and misbranded. The article was unlabeled but was invoiced as hay.

Examination of a sample of the article by the Bureau of Chemistry of this department showed that it was refuse from a grass rug factory.

Adulteration of the article was alleged in the information for the reason that certain substances, to wit, wire grass, refuse, and twine, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality, and had been substituted in part for hay which the article purported to be, and for the further reason that said article contained added deleterious ingredients, to wit, refuse and twine, which might render it injurious to health.

Misbranding was alleged for the reason that the article was a mixture composed in part of wire grass, refuse, and twine, prepared in imitation of hay, and was offered for sale and sold under the distinctive name of another article, to wit, hay.

On December 14, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10735. Adulteration and misbranding of horse-radish mustard. U. S. v. 12 Dozen Bottles of Horse-radish Mustard. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14948. I. S. No. 10801-t. S. No. C-3005.)**

On June 16, 1921, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 12 dozen bottles of horse-radish mustard, remaining in the

original packages at El Paso, Tex., alleging that the article had been shipped on or about July 1, 1920, by the Bayle Food Products Co., St. Louis, Mo., and transported from the State of Missouri into the State of Texas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Bayle Quality Horseradish Mustard, Bayle Food Products Co., St. Louis."

Adulteration of the article was alleged in the libel for the reason that a certain quantity of mustard hulls had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the article, and for the further reason that said article had been mixed and colored in a manner whereby the inferiority of the said product was concealed.

Misbranding was alleged for the reason that the designation "Horseradish Mustard" and the statement "Horseradish mustard seed, vinegar, salt and spices colored and flavored with turmeric" and which did not include mustard hulls, were false and misleading and deceived and misled the purchaser when applied to a product containing little or no horse-radish and containing added mustard hulls. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On October 4, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10736. Adulteration and misbranding of cottonseed meal. U. S. v. 170 Bags of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15013. I. S. No. 8749-t. S. No. E-3831.)**

On June 17, 1921, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District aforesaid, holding a district court, a libel for the seizure and condemnation of 170 bags of cottonseed meal, at Washington, D. C., alleging that the article had been shipped by the Eastern Cotton Oil Co., Edenton, N. C., on or about January 6, 1921, and transported from the State of North Carolina into the District of Columbia, and was being offered for sale in said District, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Cotton Seed Meal Manufactured by Eastern Cotton Oil Co. Edenton, N. C."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, cotton crude fiber, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for cottonseed meal, which the said article purported to be. Adulteration was alleged for the further reason that the said substance, to wit, cotton crude fiber, had been mixed with the article in a manner whereby its damage and inferiority were concealed.

Misbranding was alleged in substance for the reason that the statements, to wit, "Guaranteed Analysis: Protein (Minimum) 38.62 Crude Fiber (Maximum) 10.00," borne on the tags attached to the bags containing the article, regarding the article and the ingredients and substances contained in the said bags, were false and misleading, since the said article did not contain the minimum quantity of protein stated, but did contain a less quantity, to wit, 31.3 per cent, and did contain more than 10 per cent of crude fiber, to wit, 16 per cent, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained the guaranteed minimum of protein, to wit, 38.62 per cent, and that it did not contain more than the guaranteed maximum of crude fiber, to wit, 10 per cent, whereas, in truth and in fact, said article contained less than 38.62 per cent of protein and a greater quantity of crude fiber than 10 per cent. Misbranding was alleged for the further reason that the article was a product containing an excessive amount of crude fiber and a deficient amount of protein, prepared in imitation of and offered for sale under the distinctive name of another article, to wit, cottonseed meal.

On August 16, 1921, the Eastern Cotton Oil Co., Edenton, N. C., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant, upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*



**10737. Misbranding of olive oil. U. S. v. 8 Cans of Olive Oil. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 15152. I. S. No. 8362-t. S. No. E-3564.)

On September 2, 1921, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District aforesaid, holding a district court, a libel for the seizure and condemnation of 8 cans of olive oil, at Washington, D. C., alleging that the article was being offered for sale and sold by Angelo Chicca at Washington, D. C., and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Imported Golden Gate Brand \* \* \* Net Contents 1 Gallon \* \* \* The European Export Corp. Washington, D. C., U. S. A. \* \* \* Italy \* \* \*."

Misbranding of the article was alleged in substance in the libel for the reason that the statement, to wit, "Net Contents 1 Gallon," borne on the cans containing the said article, concerning the net quantity of the olive oil contained therein, was false and misleading in that the said statement represented that the said cans contained 1 gallon net of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said cans contained 1 gallon net of the article, whereas, in truth and in fact, each of said cans contained a less quantity. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the stated quantity, to wit, "Net Contents 1 Gallon," was not correct and represented more than the actual contents of the said package.

On October 5, 1921, the European Export Corp., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10738. Adulteration of oysters. U. S. v. Henry Clark Bratten. Collateral of \$5 forfeited.** (F. & D. No. 15266. I. S. No. 8792-t.)

On November 22, 1921, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against Henry Clark Bratten, Washington, D. C., alleging that on January 12, 1921, the said defendant did offer for sale and sell in the District of Columbia, in violation of the Food and Drugs Act, a quantity of oysters which were adulterated.

Examination of a sample of the article by the Bureau of Chemistry of this department showed that it was decomposed.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On November 22, 1921, the defendant having failed to enter an appearance, the \$5 collateral which had been deposited by him to insure his appearance was declared forfeited by the court.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10739. Misbranding of salad oil. U. S. v. 22 Cases of Salad Oil. Consent decree of condemnation and forfeiture. Product ordered released under bond.** (F. & D. No. 15321. I. S. Nos. 5742-t, 5743-t, 5744-t. S. No. E-3544.)

On or about August 16, 1921, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 22 cases of salad oil, remaining unsold in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped on June 11, 1921, from Guttenberg, N. J., and transported from the State of New Jersey into the State of New York, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "One Gallon," or "One-Half Gallon," or "One Quart," "La Provence Salad Oil \* \* \* Littauer Oil Company, Guttenberg, N. J."

Misbranding of the article was alleged in the libel for the reason that the following statements appearing on the cans, to wit, "One Gallon," "One-Half Gallon," "One Quart," were false, misleading, and fraudulent, and for the further reason that said article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.



On February 14, 1922, the Littauer Oil Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be delivered to the agent for said claimant, upon payment of the costs of the proceedings and execution of bond in the sum of \$400, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10740. Adulteration of oysters. U. S. v. John W. Staley (You Street Oyster House). Plea of guilty. Fine, \$25.** (F. & D. No. 15440. I. S. Nos. 8725-t, 8809-t.)

On January 18, 1922, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against John W. Staley, trading as the You Street Oyster House, Washington, D. C., alleging that on January 15 and 24, 1921, respectively, the said defendant did offer for sale and sell in the District of Columbia, in violation of the Food and Drugs Act, quantities of oysters which were adulterated.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it contained added water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed with the said article so as to lower and reduce and injuriously affect its quality and for the further reason that a valuable constituent of the article, to wit, oyster solids, had been in part abstracted.

On January 18, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10741. Misbranding of "BRSCO." U. S. v. 138 Small and 70 Large Bottles of "BRSCO." Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 15535. S. No. C-3296.)

On or about October 8, 1921, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 138 small and 70 large bottles of "BRSCO," at San Antonio, Tex., alleging that the article had been shipped on or about February 26, 1919, by BRSCO Medicine Co., Nowata, Okla., and transported from the State of Oklahoma into the State of Texas, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a liquid in two immiscible layers. The upper layer consisted of mineral oil with small quantities of turpentine oil, peppermint oil, and creosote. The lower layer consisted of water, alcohol, sugar, and small quantities of acacia and sodium and calcium phosphates, sulphates, and hypophosphites.

Misbranding of the article was alleged in the libel for the reason that the following statements, (carton and bottles) "BRSCO \* \* \* For the Treatment of Tuberculosis In its Early Stages. Bronchitis Spanish Influenza Asthma and ordinary Coughs and Colds," (carton) "Hay Fever, Lagrippe," (leaflet) "Fine for La Grippe, Spanish Influenza, Asthma and Hay Fever \* \* \* Attacks of Asthma \* \* \* It will relieve this spasmodic contraction of the lungs and permit an inflow of the air so urgently needed \* \* \* to remove the cause, and thus prevent in time such diseases and other ailments of the lungs \* \* \* pains under the shoulder blades, or in chest and sides, night sweats, repeated hawking and coughing, or bleeding of the lungs. If neglected, one's condition grows worse rapidly and tuberculosis may follow. Take BRSCO. This wonderful lung balm is almost magical in its effect. It relieves the respiratory organs promptly, soothes inflamed parts and thus helps to destroy tubercular germ life. BRSCO Relief From Lung Torture," regarding the curative and therapeutic effect of the said drug or product, were false and fraudulent, for the reason that the same contained no ingredient or combination of ingredients capable of producing the effects claimed. Misbranding was alleged for the further reason that the following statement appearing in the leaflet, "BRSCO \* \* \* is a combination of potent oils for the relief of tortured lungs," was false and misleading.

On May 29, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10742. Adulteration of tomato pulp. U. S. v. 21 Cases of Triacan Brand Tomato Pulp. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 15544. I. S. No. 3715-t. S. No. C-3299.)

On November 11, 1921, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 21 cases of tomato pulp, remaining unsold in the original unbroken packages at East St. Louis, Ill., alleging that the article had been shipped on or about February 18, 1921, and transported from the State of Missouri into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Triacan Brand Tomato Pulp \* \* \* Packed by The Springville Canning Co. Springville, N. Y. Net Contents 6 lb 5 oz."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of filthy, decomposed, and putrid vegetable substance.

On July 3, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10743. Adulteration and misbranding of olive oil and table oil. U. S. v. 8 Gallon Cans of Olive Oil and 11 Cans and 37 Cans of Table Oil. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 15613, 15614. I. S. Nos. 1302-t, 1303-t, 1304-t. S. Nos. C-3314, C-3315, C-3316.)

On November 18, 1921, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 8 gallon cans of olive oil and 11 and 37 cans of table oil, remaining unsold in the original unbroken packages at Marion, Ill., consigned by S. A. Touris, New York, N. Y., alleging that the articles had been shipped on or about September 19, 1921, and transported from the State of New York into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the articles was alleged in the libels for the reason that cottonseed oil had been mixed and packed with and substituted wholly or in part for the articles.

Misbranding of the articles was alleged for the reason that the following statements, regarding the articles and the ingredients and substances contained therein, were false and misleading and deceived and misled the purchaser: (Olive oil) "Net contents full gallon;" and (table oil) "Finest Quality Table Oil Tipo Termini Imerese, one gallon net" (with design showing olive harvesting from olive tree), not sufficiently corrected by the inconspicuous statement, "Cottonseed Oil Slightly Flavored with Olive Oil." Misbranding was alleged for the further reason that said articles were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, and for the further reason, with respect to the table oil, that said article was an imitation of and was offered for sale under the distinctive name of another article.

On July 3, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10744. Misbranding of San-Methyl capsules. U. S. v. 11 Boxes of San-Methyl Capsules. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 15794. S. No. E-3822.)

On March 23, 1922, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 11 boxes of San-Methyl capsules, consigned by the Grape Capsule Co., Allentown, Pa., remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped from Allentown, Pa., on or about February 3, 1922, and transported from the State of Pennsylvania into the State of New York, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the capsules contained methylene blue, salol, and drugs of vegetable origin, including santal oil and cinnamon.

Misbranding of the article was alleged in substance in the libel for the reason that certain statements, regarding the curative and therapeutic effect of the said article, appearing on the label of the package containing the same, falsely and



fraudulently represented it to be effective for gonorrhea, gonorrheal rheumatism, gleet and urethral diseases generally, whereas, in truth and in fact, it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On May 29, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10745. Misbranding of grape jam. U. S. v. 11 Cases of Schühle's Grape Jam. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16187. I. S. No. 17016-t. S. No. E-3790.)**

On March 2, 1922, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District aforesaid, holding a district court, a libel for the seizure and condemnation of 11 cases of Schühle's grape jam, remaining in the original unbroken packages at Washington, D. C., alleging that the article had been shipped by A. N. Chappell & Co., Birmingham, Ala., on or about November 28, 1921, and transported from the State of Alabama into the District of Columbia, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Schühle's Pronounced Sheeley's Grape Jam John Schühle Net Weight 1 Pound \* \* \* Put up and guaranteed by Schühle's Pure Grape Juice Co. Inc., Highland, Ulster Co. N. Y. \* \* \*."

Misbranding of the article was alleged in substance in the libel for the reason that the statement, to wit, "Net Weight 1 Pound," borne on the jars containing the article, was false and misleading in that the said statement represented that each of said jars contained 1 pound net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said jars contained 1 pound net of the said article, whereas, in truth and in fact, each of said jars did not contain 1 pound net of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the stated quantity, to wit, "Net Weight 1 Pound," was incorrect and represented more than the actual contents of the package.

On April 27, 1922, the Schühle's Pure Grape Juice Co., claimant, having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10746. Misbranding of oil. U. S. v. 18 Cans of Oil. Decree of condemnation and forfeiture. Product ordered destroyed. (F. & D. No. 16194. I. S. No. 17022-t. S. No. E-3846.)**

On April 12, 1922, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the said District, holding a district court, a libel for the seizure and condemnation of 18 cans, more or less, of oil, remaining unsold at Washington, D. C., alleging that the article had been shipped on or about February 9, 1922, by D. Lamp, New York, N. Y., and transported from the State of New York into the District of Columbia, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled, in part: "Regina Brand Winterpressed Cottonseed Salad Oil Flavored with Pure Olive Oil. A Compound."

Misbranding of the article was alleged in the libel for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the stated quantity, to wit, "Net Contents, 1 Gallon," was incorrect and represented more than the actual contents of the package.

On May 21, 1922, the matter having come on for final disposition, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10747. Adulteration and misbranding of olive oil. U. S. v. 85 Cans of Olive Oil. Default decree of condemnation, forfeiture, and destruction (F. & D. No. 16195. I. S. No. 17031-t. S. No. E-3850.)**

On April 18, 1922, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme



Court of the District aforesaid, holding a district court, a libel for the seizure and condemnation of 85 cans of olive oil, at Washington, D. C., alleging that the article had been shipped by D. Lamp, New York, N. Y., on or about March 17, 1922, and transported from the State of New York into the District of Columbia, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel for the reason that substances, to wit, oils other than olive oil, including approximately 50 per cent of cottonseed oil, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for pure olive oil, which the said article purported to be.

Misbranding was alleged in substance for the reason that the statements, to wit, "Prodotti Italiani Olio Di Oliva Pure Olive Oil Sopraffino Italia Brand Trade Mark Lucca Toscana Italia Net Contents 1 Gall.," together with the pictorial design of a crowned female figure holding a shield, borne on the cans containing the article, regarding the said article and the substances and ingredients and net contents contained therein, were false and misleading in that the said statements and design represented the article to be pure olive oil and to be a product made in Italy, and that each of said cans contained 1 gallon net of the said article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure olive oil made in a foreign country, to wit, Italy, and that each of said cans contained 1 gallon net of the said article, whereas, in truth and in fact, the said article was not pure olive oil made in Italy but was a product made in the United States of America, and was composed of oils other than olive oil, including approximately 50 per cent of cottonseed oil, and said cans did not each contain 1 gallon net of the said article but did contain less than 1 gallon net. Misbranding was alleged for the further reason that the article was a product composed practically wholly of an undeclared compound, consisting of cottonseed oil and of another oil other than olive oil, and prepared in imitation of another article, to wit, olive oil, and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the stated quantity, to wit, "Net Contents 1 Gall.," was not correct and represented more than the contents of the said cans.

On July 31, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10748. Misbranding of olive oil. U. S. v. 21 Cans, more or less, of Olive Oil. Default decree of condemnation, forfeiture, and destruction.** (P. & D. No. 16197. I. S. No. 17029-t. S. No. E-3856.)

On April 26, 1922, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District aforesaid, holding a district court, a libel for the seizure and condemnation of 21 cans, more or less, of olive oil, remaining unsold at Washington, D. C., alleging that the article had been shipped by G. P. Papadopoulos, New York, N. Y., on or about March 2, 1922, and transported from the State of New York into the District of Columbia, and was being offered for sale and sold by the Washington Macaroni Co., of Washington, D. C., and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Olio D'Oliva Vergine GPP Trade Mark. G. P. Papadopoulos Net Contents Full Gallon \* \* \*."

Misbranding of the article was alleged in the libel for the reason that the statement, to wit, "Net Contents Full Gallon," borne on the cans containing the said article regarding the quantity of the said article contained in each of said cans, was false and misleading, in that the said statement represented that each of said cans contained 1 full gallon of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said cans contained 1 full gallon of the said article, whereas, in truth and in fact, each of said cans did not contain 1 full gallon of the article but did contain a less quantity. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the stated quantity, to wit, "Net Contents Full Gallon," was incorrect and represented more than the actual contents of the package.

On July 31, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10749. Adulteration of clams. U. S. v. 345 Cases of Minced Clams. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16480. I. S. No. 14424-t. S. No. W-1123.)**

On June 27, 1922, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 345 cases of minced clams, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Washington Packing Co., of Aberdeen, Wash., from Portland, Oreg., on or about June 19, 1922, and transported from the State of Oregon into the State of California, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Dodge Brand Minced Clams \* \* \*."

Adulteration of the article was alleged in the libel for the reason that water or clam juice had been mixed and packed with and substituted wholly or in part for the said article.

On July 31, 1922, Mailliard & Schmiedell, San Francisco, Calif., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,750, in conformity with section 10 of the act, conditioned in part that the said product be made to conform to the provisions of the said act, under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10750. Misbranding of Euca-Mul. U. S. v. 12 Dozen Bottles of Euca-Mul, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14218 to 14222, incl. S. Nos. C-2704 to C-2708, incl.)**

On or about January 21, 22, and 23, 1921, respectively, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 31½ dozen 16-ounce bottles and 28½ dozen 2½-ounce bottles of Euca-Mul, at Chicago, Ill., alleging that the article had been shipped by the Edward G. Binz Co., Los Angeles, Calif., on or about March 17, November 26, December 4, 5, and 6, 1920, respectively; and transported from the State of California into the State of Illinois, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of an emulsion of eucalyptus oil, reducing sugar, glycerin, gum, alcohol, and water.

Misbranding of the article was alleged in substance in the libels for the reason that the following statements, appearing on the carton enclosing the article contained in the 16-ounce bottles, to wit, "Croup \* \* \* Bronchial Asthma Tuberculosis Whooping Cough and other throat and lung affections \* \* \* relieves \* \* \* bronchial asthma. Especially effective in cough of phthisis and Whooping Cough \* \* \*," and the following statements, appearing on the cartons enclosing the article contained in the 2½-ounce bottles, to wit, "Gives immediate Relief in \* \* \* Asthma, Croup, Pneumonia, Whooping Cough, Consumption and any Lung or Throat Trouble \* \* \* excellent for all Chronic Throat and Lung troubles. It builds up resisting power in patient, controls the cough \* \* \* Will \* \* \* relieve any kind of cough; will relieve all chronic coughs,\* and will arrest paroxysms in whooping cough \* \* \* For Whooping Cough \* \* \* Use \* \* \* and \* \* \* you will control the whooping cough in a short time. Consumption. In this trouble, use Euca-Mul \* \* \* for the effect in the disease, regardless of the cough \* \* \* Asthma. This disease should be treated with Euca-Mul \* \* \* Croup \* \* \* Euca-Mul will be appreciated in this disease. The persistent use of Euca-Mul brings the best result. \* \* \*," regarding the curative or therapeutic effect of the said article, were false and fraudulent in that the said statements were applied to the article so as to represent falsely and fraudulently and to create in the minds of the purchasers thereof the impression and belief that the said article was composed of, or contained, ingredients or medicinal agents or combinations of ingredients, effective as a remedy for the several diseases, ailments, and afflictions mentioned upon the respective cartons containing the said articles.

On November 14, 1921, April 21, and May 10, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*



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# United States Department of Agriculture.

## SERVICE AND REGULATORY ANNOUNCEMENTS.

### BUREAU OF CHEMISTRY.

### SUPPLEMENT.

N. J. 10751-10800.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., December 8, 1922.]

## NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

**10751. Adulteration and misbranding of vinegar. U. S. v. 27 Barrels of Vinegar. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 14492. I. S. No. 3213-t. S. No. C-2816.)**

On February 25, 1921, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 27 barrels of vinegar, remaining unsold in the original unbroken packages at Olney, Ill., consigned by the National Vinegar Co., alleging that the article had been shipped from St. Louis, Mo., on or about September 27, 1920, and transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Red Rose Brand 47 Fermented Corn Sugar Vinegar Made in St. Louis."

Adulteration of the article was alleged in the libel for the reason that distilled vinegar and limed residue from sugar mash had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement on the label, "Fermented Corn Sugar Vinegar," was false and misleading and deceived and misled the purchaser, and for the further reason that it was an imitation of and offered for sale under the distinctive name of another article.

On July 6, 1921, Marquard F. Braun, claimant, having consented to a decree. judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant, upon payment of the costs of the proceedings and the execution of a bond in the sum of \$465, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10752. Misbranding of string beans and cucumbers. U. S. v. Robert Wade Burch. Plea of guilty. Fine, \$25. (F. & D. No. 14551. I. S. Nos. 9285-r, 9286-r, 9287-r.)**

On May 23, 1921, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Robert Wade Burch, Plant City, Fla., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about May 5, 1920, from the State of Florida into the State of Missouri, of quantities of string beans in hampers and cucumbers in crates which were misbranded.

Misbranding of the articles was alleged in the information for the reason that they were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On September 13, 1921, a plea of guilty to the information was entered on behalf of the defendant, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10753. Adulteration and misbranding of prepared mustard and horseradish mustard. U. S. v. 3 Cases of Prepared Mustard, et al. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 14622, 14623, 14624. I. S. Nos. 3216-t, 3218-t, 3219-t. S. Nos. C-2845, C-2846, C-2847.)

On March 14, 1921, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 9½ cases of prepared mustard and 4 cases of horseradish mustard, remaining unsold in the original unbroken packages at Cairo, Ill., the former consigned in part by Bayle Food Products Co., of St. Louis, Mo., on or about June 19 and September 30, 1920, respectively, and the latter on or about February 3, 1921, alleging that the articles had been shipped from St. Louis, Mo., and transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The articles were labeled in part, respectively: "Anchor Brand Prepared Mustard, Contains Mustard Seed, Salt, Pure Spices, Turmeric, Vinegar" (blown in jug) "One Gallon;" "B. Q. Bayle Quality Prepared Mustard (English Style) Bayle Food Products Co. St. Louis, 12 Oz. Net Wt., Mustard Seed, Vinegar, Salt & Spices. Colored and Flavored with Turmeric;" "Robin Brand 6 Oz. Net Wgt. Horseradish Mustard Colored with Turmeric."

Adulteration of the articles was alleged in the libels for the reason that mustard hulls had been mixed and packed with and substituted in part for the said articles. Adulteration was alleged for the further reason that the articles were mixed and colored in a manner whereby damage or inferiority was concealed.

Misbranding was alleged in substance for the reason that the respective statements, to wit, "Prepared Mustard, One Gallon \* \* \* Mustard Seed, Salt, Pure Spices, Turmeric, Vinegar," "Prepared Mustard 12 Oz. Net Wt., Mustard Seed, Vinegar, Salt & Spices. Colored and Flavored with Turmeric," and "Horseradish Mustard," appearing in the labeling of the said articles, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the articles were imitations of and offered for sale under the distinctive names of other articles. Misbranding was alleged for the further reason that the articles were in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On December 14, 1921, and June 30, 1922, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10754. Adulteration of tomato catsup. U. S. v. 16 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 14658. I. S. No. 4396-t. S. No. C-2881.)

On March 21, 1921, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 16 cases of tomato catsup, remaining unsold in the original unbroken packages at Champaign, Ill., consigned by Paul DeLaney Co., Inc., Brockton, N. Y., alleging that the article had been shipped on or about September 21, 1920, and transported from the State of New York into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "University Extra Fancy Tomato Catsup."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of filthy, decomposed, or putrid vegetable substance.

On July 3, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*



**10755. Adulteration of oysters. U. S. v. George H. Stanford. Collateral of \$25 forfeited.** (F. & D. No. 15003. I. S. Nos. 8712-t, 8816-t.)

On December 3, 1921, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against George H. Stanford, Washington, D. C., alleging that on January 14 and 18, 1921, respectively, the said defendant did offer for sale and sell in the District of Columbia, in violation of the Food and Drugs Act, quantities of oysters which were adulterated.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it contained added water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for oysters, which the article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, oyster solids, had been in part abstracted.

On December 3, 1921, the defendant having failed to enter an appearance, the \$25 collateral which had been deposited by him to insure his appearance was declared forfeited by the court.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10756. Adulteration and misbranding of bran and screenings. U. S. v. 500 Sacks of Alleged Bran and Screenings. Default decree of condemnation and forfeiture. Product ordered sold.** (F. & D. No. 15303. I. S. No. 1037-t. S. No. C-3128.)

On August 16, 1921, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 500 sacks, more or less, of alleged bran and screenings, remaining in the original unbroken packages at Kansas City, Kans., alleging that the article had been shipped on or about June 20, 1921, by the Whitewater Flour Mills Co., Whitewater, Kans., and transported from the State of Kansas into the State of Missouri, and thereafter reshipped into the State of Kansas, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "The Ross Feed Company, Whitewater, Kansas, 100 lbs. Wheat Bran & Screenings \* \* \*."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable matter.

Misbranding was alleged for the reason that the labeling was false and calculated to induce the purchaser to believe that each of said sacks contained wheat bran and screenings, when, in truth and in fact, they contained an adulterated commodity totally unfit for the purpose for which it was intended. Misbranding was alleged for the further reason that each of the sacks did not contain 100 pounds, but, in truth and in fact, contained a much less quantity and the labeling thereof was false and calculated to induce the purchaser to believe that each of the sacks contained 100 pounds, when, in truth and in fact, they contained a much less quantity than 100 pounds, and the true quantity of the contents was not plainly and conspicuously marked on the outside of said sacks, or any of them.

On March 7, 1922, no claimant having appeared for the product, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal as a misbranded and adulterated article, and that the purchaser give bond, in conformity with section 10 of the act, conditioned in part that the article be properly branded. It was further ordered that in the event it should not be sold the product should be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10757. Misbranding of butter. U. S. v. Glen W. Hudson, Carl A. Nyhus, George N. Zlackatt, and J. H. Majors (the Raton Creamery Co.). Plea of guilty. Fine, \$100 and costs.** (F. & D. No. 15590. I. S. Nos. 10824-t, 10825-t.)

On March 14, 1922, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against



Glen W. Hudson, Carl A. Nyhus, George N. Zlackatt, and J. H. Majors, trading as the Raton Creamery Co., Raton, N. M., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about June 10, 1921, from the State of New Mexico into the State of Colorado, of quantities of butter which was misbranded. A portion of the article was labeled in part: "The Scenic Brand Pure Creamery Butter \* \* \* One Pound Net \* \* \* The Raton Creamery Company Raton, New Mexico." The remainder of the article was labeled in part: "Brookfield Creamery Butter 1 lb. Net Weight \* \* \*". The within contents weighed 1 lb. when packed. Owing to natural shrinkage due to evaporation and other causes, contents are not guaranteed to weigh at time of sale the amount marked on the package, but sale is made at packed weight."

Examination of a sample of the Scenic Brand butter by the Bureau of Chemistry of this department showed that the average net weight of the 60 packages examined was 15.02 ounces. Examination of a sample of the Brookfield butter by said bureau showed that the average net weight of the 60 packages examined was 15.11 ounces.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "One Pound Net" and "1 Lb. Net Weight," borne on the respective cartons containing the article concerning the net weight thereof, were false and misleading in that the said statements represented the net weight of the article to be 1 pound, whereas, in truth and in fact, the net weight of the said article was less than 1 pound. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the stated quantity, to wit, "One Pound Net" or "1 Lb. Net Weight," as the case might be, was incorrect and represented more than the actual contents of the respective packages.

On March 14, 1922, a plea of guilty to the information was entered on behalf of the defendant concern, and the court imposed a fine of \$100 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10758. Adulteration of wheat middlings. U. S. v. 400 Bags of Wheat Middlings. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15603. I. S. Nos. 9327-t, 9328-t. S. No. E-3644.)**

On November 18, 1921, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 400 bags of wheat middlings at Burlington, N. C., alleging that the article had been shipped by the Mayo Milling Co., Inc., Richmond, Va., on September 30, 1921, and transported from the State of Virginia into the State of North Carolina, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Mayo's Bull Middlings With ground re-cleaned wheat Screenings Mayo Milling Co., Inc. Distributors Richmond, Va."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of filthy, decomposed, and putrid vegetable substance.

At the June, 1922, term of the said United States District Court the Mayo Milling Co., having filed its bond in the sum of \$1,000, in conformity with section 10 of the act, and having paid all the costs of the proceedings, it was ordered by the court that the product might be released to said claimant.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10759. Misbranding of Aspironal. U. S. v. 19 Dozen Bottles, et al, of Aspironal. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 15647, 15648. S. Nos. E-3672, E-3680.)**

On December 9, 1921, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a district court, libels for the seizure and condemnation of 22½ dozen bottles of Aspironal, remaining unsold at Washington, D. C., alleging that the article was being offered for sale and sold in the District of Columbia, and that 3½ dozen bottles of the said article had been shipped by the Aspironal Laboratories, Inc., Atlanta, Ga., on or about September 12, 1921, and transported from the State of Georgia into the District of Columbia, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained sodium salicylate, camphor, menthol, extracts of plant drugs, including cascara sagrada and belladonna, a small amount of sugar, alcohol, and water.

Misbranding of the article was alleged in substance in the labels for the reason that each bottle containing the same bore the following statements regarding the curative and therapeutic effects of the said article, " \* \* \* Colds, Coughs, Influenza, Lagrippe, \* \* \* Headache, Toothache, Earache, Stomachache, Neuralgia, Sciatica \* \* \* Rheumatism \* \* \*," which said statements were false and fraudulent, since the said article contained no ingredients or combination of ingredients capable of producing the effects claimed.

On July 31, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10760. Misbranding of Sex-Co restorative tablets. U. S. v. 6 Packages of Sex-Co Restorative Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15671. S. No. C-3342.)**

On November 29, 1921, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 6 packages of Sex-Co restorative tablets, remaining in the original packages at Birmingham, Ala., alleging that the article had been shipped by the Clyde Collins Co., Memphis, Tenn., on or about April 5, 1921, and transported from the State of Tennessee into the State of Alabama, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the tablets contained strychnine, extract of damiana, iron, and a phosphorus compound, coated with calcium carbonate and talc, colored red.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements regarding the curative and therapeutic effect of the said article, appearing in the label of the box containing the same and in the accompanying circular, (box label) "Sex-Co Restorative Tablets. Strength \* \* \* Energy \* \* \* Aphrodisiac \* \* \*," (circular) " \* \* \* Sex-Co Tablets are especially prepared for the treatment of Men and Women who are in a run-down condition, such as Bad Blood, Sexual Weakness, Loss of Appetite, Wasting Diseases and Nervous Conditions Of All Kinds. \* \* \* We do not know of any other preparation on the market to equal Sex-Co Tablets, for deficiency in sexual vitality. Take Sex-Co Tablets for several weeks and note your improvement. Even your complexion will remarkably show the beneficial effects. \* \* \* Take Sex-Co Tablets Regularly if you want to obtain the very best results. Do not miss a Single day," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 16, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10761. Misbranding of Allan's compound extract of damiana. U. S. v. 19 Bottles, et al, of Allan's Compound Extract of Damiana. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 15672, 15673, 15674, 15675. S. No. C-3338.)**

On or about December 3, 1921, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels and on February 11, 1922, amended libels, praying the seizure and condemnation of 28 small bottles and 14 large bottles of Allan's compound extract of damiana, remaining in the original packages at Birmingham, Ala., alleging that the article had been shipped by the Allan-Pfeiffer Chemical Co., St. Louis, Mo., on or about December 6, 1918, May 8, 1920, and May 26 and October 6, 1921, and transported from the State of Missouri into the State of Alabama, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of extracts of plant drugs, including nuxvomica, sugar, alcohol, and water.



Misbranding of the article was alleged in substance in the libels as amended for the reason that the statements regarding the curative and therapeutic effects of the said article, appearing on the labels of the bottles and cartons containing the article, " \* \* \* A Tonic for Both Sex \* \* \*," and the statements appearing on the carton containing a portion of the said article, " \* \* \* Nerve and Brain Remedy \* \* \* For Hysteria, Dizziness, Convulsions, Nervous Prostration \* \* \* General Weakness \* \* \* In Nervous Debility," and the statements appearing on the cartons containing the remainder of the said article, " \* \* \* Aphrodisiac \* \* \* For General Weakness \* \* \* Nervous Debility," together with the design of a male figure holding to his lips the left hand of a female figure and with his right arm at her back, his right hand resting on her shoulder holding her right hand, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 16 and 17, 1922, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10762. Adulteration and misbranding of sauerkraut. U. S. v. 250 Cases of Indiana Home Sauerkraut. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15751. I. S. No. 23251-t. S. No. C-3443.)**

On March 2, 1922, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 250 cases of Indiana home sauerkraut, remaining in the original unbroken cases at Nashville, Tenn., alleging that the article had been shipped by the New Albany Canning Corp., New Albany, Ind., on or about February 7, 1922, and transported from the State of Indiana into the State of Tennessee, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Indiana Home Sauerkraut, Contents One Lb. Twelve Oz. New Albany Canning Corp., New Albany, Ind."

Adulteration of the article was alleged in substance in the libel for the reason that excessive brine or liquor had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality, and had been substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the designation "Sauerkraut," appearing in the label, was false and misleading and deceived and misled the purchaser when applied to a product containing excessive brine or liquor. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On April 28, 1922, the New Albany Canning Corp., New Albany, Ind., claimant, having admitted the allegations of the libel and consented to a decree, and having agreed to relabel the product by pasting a sticker on the cans containing the article to read as follows, "Slack Filled Kraut Contents Five Ounces Less Than Capacity," judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10763. Misbranding of cane and maple sirup. U. S. v. 28, et al, Cans of Cane and Maple Sirup. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 16051. I. S. Nos. 4508-t, 4509-t, 4510-t. S. No. C-3431.)**

On February 15, 1922, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 28 10-pound cans, 138 5-pound cans, and 146 2½-pound cans of cane and maple sirup, remaining in the original unbroken packages at St. Paul, Minn., alleging that the article had been shipped on January 13, 1922, by the Vincent Syrup Co., Denver, Colo., and transported from the State of Colorado into the State of Minnesota, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part on cans: "A No. 1



Vincent's Leader Cane and Maple Syrup \* \* \* Vincent Syrup Co. Denver. Colo. 10 Lbs. Net" ("5 Lbs. Net" or "2½ Lbs. Net," as the case may be.)

Misbranding of the article was alleged in the libel for the reason that the respective statements, "10 Lbs. Net," "5 Lbs. Net," and "2½ Lbs. Net," were false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statements thereon were incorrect.

On March 31, 1922, Joseph Vincent, doing business as Vincent Syrup Co., and Piggly Wiggly Minnesota Co., corporation, claimants, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be released to said claimants upon payment of the costs of the proceedings and the execution of bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the claimants cause the cans to be refilled or relabeled and made to comply with the provisions of the Food and Drugs Act, under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10764. Adulteration and misbranding of vinegar. U. S. v. 38 Barrels of Vinegar. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16075. I. S. No. 8135-t. S. No. E-3831.)**

On April 4, 1922, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 38 barrels of vinegar, remaining in the original unbroken packages at Williamsport, Pa., alleging that the article had been shipped by P. Garlock Co., Newark, N. Y., on or about September 17, 1921, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Pure Apple Cider Vinegar 40 Grain Mfg. By P. Garlock Co. Newark, N. Y. 313."

Adulteration of the article was alleged in the libel for the reason that waste vinegar had been mixed and packed with and substituted wholly or in part for said article. Adulteration was alleged for the further reason that the article was mixed in a manner whereby damage and inferiority were concealed.

Misbranding was alleged in substance for the reason that the statement in the labeling, "Pure Apple Cider Vinegar," was false and misleading in that the article contained a waste vinegar product, for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser, and for the further reason that it was an imitation of and offered for sale under the distinctive name of another article, to wit, pure apple cider vinegar.

On June 26, 1922, P. Garlock Co., of Phelps, N. Y., having entered an appearance as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant, upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10765. Adulteration and misbranding of oysters. U. S. v. 82 Cases of So-Called Oysters. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 16097. I. S. Nos. 13468-t, 13469-t. S. No. C-2915.)**

On April 18, 1922, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 82 cases, more or less, each containing 2 dozen cans of so-called oysters, remaining unsold in the original unbroken packages at Topeka, Kans., alleging that the article had been shipped on or about December 31, 1921, by H. J. McGrath Co., Baltimore, Md., and transported from the State of Maryland into the State of Kansas, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in substance in the libel for the reason that it contained excessive brine, so packed and mixed therewith as to injure, lower, and affect its quality, purity, and strength.

Misbranding was alleged in substance for the reason that the statement, "Contents, 10 Oz.," on the cans containing the article was false and misleading, and for the further reason that said article was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 13, 1922, the H. J. McGrath Co., claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be released to said claimant, upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the product be rebranded to show the true contents of the containers thereof.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10766. Adulteration of chloroform. U. S. v. 45,000 Quarter-Pound Tins of Chloroform. Decree of condemnation and forfeiture. Product ordered turned over to War Department. (F. & D. No. 16428, S. No. E-3960.)**

On June 20, 1922, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on June 21, 1922, an amended libel, for the seizure and condemnation of 45,000 quarter-pound tins of chloroform, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on January 12, 19, 20, and 23, and February 28, 1922, by the Commanding Officer of the Quartermaster Corps, U. S. Army, Philadelphia, Pa., and transported from the State of Pennsylvania into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Chloroform for Anesthesia."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was turbid, that upon evaporation it left a foreign odor, and that it contained impurities decomposable by sulphuric acid and chlorinated decomposition products.

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of quality, strength, and purity as determined by the test laid down in said Pharmacopœia, official at the time of investigation.

On September 12, 1922, the matter coming on for final disposition, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the Army Medical Supply Depot, Army Supply Base, Brooklyn, N. Y. The decree further provided that the goods should not be used for medicinal purposes.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10767. Adulteration of chloroform. U. S. v. 200 Tins of Chloroform. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16436. I. S. No. 14052-t. S. No. W-1109.)**

On or about June 24, 1922, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 200 tins, each containing  $\frac{1}{4}$  pound of chloroform, remaining in the original unbroken packages at Albany, Oreg., alleging that the article had been shipped by Samson Rosenblatt Co., Chicago, Ill., April 1, 1922, and transported from the State of Illinois into the State of Oregon, and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Chloroform for Anaesthesia."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was turbid, that upon evaporation it left a foreign odor, and that it contained hydrochloric acid, free chlorine, impurities decomposable by sulphuric acid, and chlorinated decomposition products.

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, official at the time of investigation.

On August 8, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*



**10768. Adulteration and misbranding of vinegar. U. S. v. 41 Barrels of Vinegar. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 16457. I. S. No. 5606-t. S. No. E-3978.)

On June 26, 1922, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 41 barrels of vinegar, remaining unsold in the original unbroken packages, at Brunswick, Me., consigned by the National Vinegar Co., from Brockton, N. Y., alleging that the article had been shipped on or about April 25, 1922, and transported from the State of New York into the State of Maine, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Pure Cider Vinegar \* \* \* Distributed by National Vinegar Company, Buffalo, N. Y."

Adulteration of the article was alleged in the libel for the reason that distilled vinegar and vinegar made from evaporated apple products had been mixed and packed with and substituted wholly or in part for pure cider vinegar.

Misbranding was alleged for the reason that the statement appearing in the labeling, to wit, "Pure Cider Vinegar," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On August 11, 1922, the Brockton Products Co., Brockton, N. Y., claimant, having consented to a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant, upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10769. Adulteration of chloroform. U. S. v. 50 Cans of Chloroform. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 16597. I. S. No. 14056-t. S. No. W-1149.)

On or about July 8, 1922, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 cans, each containing 1 pound of chloroform, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by Charles Pfizer & Co., Galewood, Ill., on or about May 22, 1922, and transported from the State of Illinois into the State of Oregon, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "One Pound Chloroform U. S. P."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained impurities decomposable by sulphuric acid.

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity, as determined by the test laid down in said Pharmacopœia, official at the time of investigation.

On August 8, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10770. Misbranding of Madame Dean female pills. U. S. v. 6 Packages of Madame Dean Female Pills. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 13653. I. S. No. 9205-t. S. No. E-2721.)

On September 15, 1920, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 6 packages of Madame Dean female pills, at Greensboro, N. C., alleging that the article had been shipped on or about January 20, 1919, by Martin Rudy, Lancaster, Pa., and transported from the State of Pennsylvania into the State of North Carolina, and alleging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills contained quinine, aloes, iron sulphate, senecio flowers and herb, ginger, and cornstarch.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements, appearing in the label of the article regard-



ing its curative and therapeutic effects, "(box and wrapper) Female Pills \* \* \* give relief in Female Disorders of the menstrual functions \* \* \* for Painful, Irregular, and Scanty Menstruation," (booklet) " \* \* \* irregular, prolonged, or suppressed menstruation. \* \* \* Female Pills afford relief for these ailments. \* \* \* a remedy intended solely for the relief of Amenorrhoea, Desmenorrhoea, scanty and irregular menstruation, and other derangements of the reproductive system \* \* \* especially valuable in the functional changes \* \* \* of the menopause or change of life. \* \* \* act on the circulatory system of the uterus, thereby relieving painful, irregular and scanty menstruation, and assist in re-establishing or restoring the menstrual or monthly periods \* \* \* strengthen and build up the uterine function," (circular) " \* \* \* a great relief against those general complaints the Female Sex is subject to; they help increase the vital quality of the blood; assist to bring nature into its proper channel, \* \* \* for irregular, painful, scanty or suppressed menstruations \* \* \* should be taken \* \* \* to assist nature with \* \* \* disorders \* \* \* during the change of life \* \* \* Continue \* \* \* the treatment until they give relief \* \* \* great relief from Pains or Headache \* \* \* for suppressed Menstruation, \* \* \* continue their use until relieved \* \* \* take \* \* \* until the menstrual flow commences again," were false and fraudulent, as the article contained no ingredients or combinations thereof capable of producing the effects claimed.

On December 17, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10771. Adulteration of tomato catsup. U. S. v. 75 Cases, 50 Cases, and 450 Cases of Tomato Catsup. Decrees of condemnation and forfeiture. Product released on bond for sorting.** (F. & D. Nos. 14641, 14642. I. S. Nos. 2989-t, 2990-t, 2991-t, 2993-t, 2985-t. S. Nos. C-2869, C-2870.)

On March 22, 1921, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 75 cases, 50 cases, and 450 cases of tomato catsup, at Shreveport, La., alleging that the article had been shipped on or about December 1 and November 24, 1920, by J. T. Polk Canning Co., Mound City, Ill., and transported from the State of Illinois into the State of Louisiana, and charging adulteration in violation of the Food and Drugs Act. The product was labeled variously: "Polk's Best Catsup;" "Unitus Brand Tomato Catsup;" "J. T. Polk Company, Chicago."

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On October 15, 1921, the case having come on for final disposition, upon the libels and the answer of Sears & Nichols Canning Co., intervenor, it was ordered by the court that the product might be released to said intervenor, upon payment of the costs of the proceedings and the execution of a bond, in conformity with section 10 of the act, conditioned in part that the goods be sorted under the supervision of this department and that the goods found to be adulterated be destroyed.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10772. Misbranding of DuBois pefic pills. U. S. v. 57 Bottles of DuBois Pefic Pills. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 14812. I. S. No. 10781-t. S. No. W-913.)

On April 21, 1921, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 57 bottles of DuBois pefic pills, remaining unsold in the original unbroken packages at Denver, Colo., consigned by W. J. Baumgartner, Detroit, Mich., alleging that the article had been shipped on or about March 17, 1921, and transported from the State of Michigan into the State of Colorado, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills contained aloes and iron sulphate, with a coating of sugar and calcium carbonate.

Misbranding of the article was alleged in substance in the libel for the reason that it was accompanied by a circular which bore the following statements regarding the curative effects of the said article, "DuBois Pills \* \* \* Reliable Female Tonic and Regulator \* \* \* a female tonic and regulator of menstrual disturbances and for relieving general female disorders. Needless pain and suffering may be prevented by the use of DuBois Pills \* \* \* a female tonic exerting helpful medicinal action over the female organs \* \* \* of utmost value in assisting in the relieving of pain, due to leucorrhea, etc., and regulating the menses. \* \* \* suppressed menstruation, painful menstruation \* \* \* for leucorrhea. In cases of menstrual disturbances the course of treatment may be commenced at any time when the indications suggest that the menstrual period is delayed due to taking cold or exposure \* \* \* When the period is irregular," which said statements were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed. Misbranding was alleged for the further reason that the said circular contained the statement that the said pills were purely vegetable, which statement was false and misleading, since the said pills were not purely vegetable, but were composed essentially of aloes, iron sulphate, calcium carbonate, and sugar.

On July 5, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10773. Misbranding of olive oil. U. S. v. 38 Cans of Alleged Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14975. I. S. No. 2344-t. S. No. C-3069.)**

On June 1, 1921, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 38 cans of alleged olive oil, at Kansas City, Kans., alleging that the article had been shipped on or about April 30, 1921, by Deligiannis Bros., Chicago, Ill., and transported from the State of Illinois into the State of Kansas, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "One quart \* \* \* Pure Olive Oil (Trade Mark) \* \* \* Universal Brand Deligiannis Bros. Chicago, U. S. A."

Misbranding of the article was alleged in substance in the libel for the reason that the quantity of the contents of the packages containing the article was not plainly and conspicuously marked on the outside of such packages, in that the packages did not contain 1 quart of olive oil as set out on the labels, and said labels were false and misleading.

On September 12, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10774. Misbranding of butter. U. S. v. Trinidad Creamery Co., a Corporation. Plea of guilty. Fine, \$25. (F. & D. No. 14999. I. S. No. 10815-t.)**

On November 26, 1921, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Trinidad Creamery Co., a corporation, Trinidad, Colo., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about May 9, 1921, from the State of Colorado into the State of New Mexico, of a quantity of butter which was misbranded. The article was labeled in part: "None Nicer Brand Butter \* \* \* One Pound Manufactured by Trinidad Creamery Co. Trinidad, Colo. \* \* \*"

Examination of a sample of the article by the Bureau of Chemistry of this department showed that the average net weight of 3 prints thereof was 15.24 ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "One Pound," borne on the packages containing the article, regarding the said article, was false and misleading in that the said statement represented that each of said packages contained not less than 1 pound of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead a person into the belief that each of the said packages contained not less than 1 pound of the article, whereas, in truth and



in fact, each of said packages did not contain 1 pound of the said article, but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 21, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10775. Misbranding of Nonpareil food for hogs and Nonpareil food for stock. U. S. v. 38 Packages of Nonpareil Food for Hogs, et al. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 15019, 15024, 15142, 15144, 15145. S. Nos. E-3410, E-3414, E-3433, E-3455.)

On July 7, 8, 9, 20, and 22, 1922, respectively, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District aforesaid, holding a district court, libels for the seizure and condemnation of 86 packages of Nonpareil food for hogs and 76 packages of Nonpareil food for stock, remaining unsold at Washington, D. C., alleging that the articles had been shipped by E. T. Bready, Frederick, Md., between the dates of March 5, 1920, and May 21, 1921, and transported from the State of Maryland into the District of Columbia, and were being offered for sale and sold in the District of Columbia, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the food for hogs consisted essentially of wheat middlings, salt, charcoal, sulphur, red pepper, and a bitter drug such as gentian, and that the food for stock consisted essentially of ground wheat products, including a large amount of bran, approximately 12 per cent of salt, approximately 1 per cent of sulphur, charcoal, a bitter drug such as gentian, and an aromatic substance such as anise or fennel.

Misbranding of the articles was alleged in substance in the libels for the reason that the packages containing the said articles bore the following statements, regarding the curative and therapeutic effects of the respective articles, (food for hogs) " \* \* \* prepared from purely vegetable ingredients, which \* \* \* so thoroughly strengthen the entire system that the Hog Cholera microbe cannot find lodgment and will be thrown off without any harm to the animal. \* \* \* Hog Cholera \* \* \* the proper way is to invigorate the system by purely vegetable remedies, so that the microbe cannot find a lodging place in the system from which to do its deadly work. \* \* \* 'Nonpareil Hog Food' will cure these milder forms, and, used as directed, will prevent Hog Cholera \* \* \* One tablespoonful with slop for three hogs will prevent nearly all swine diseases. \* \* \* A Specially Prepared Food which is a sure preventive of Cholera. \* \* \* it will prevent hog cholera if fed regularly," (food for stock) " \* \* \* It will prevent and cure disease in all domestic animals \* \* \* Cows fed on this Food will give \* \* \* Richer Milk \* \* \* Preventing Foot and Mouth Diseases, Cholera, etc. \* \* \* Calves \* \* \* keeps them free from scour. \* \* \* Horses \* \* \* for Epizootic \* \* \* Kidney or Liver Trouble \* \* \* Influenza \* \* \* Cows \* \* \* Will increase the \* \* \* richness of milk. \* \* \* cattle \* \* \* Prevents disease \* \* \* Colts \* \* \* Prevents mange \* \* \* Calves \* \* \* Prevents skin disease, scours, etc. \* \* \* For Colic \* \* \*," which statements were false and fraudulent since the said articles contained no ingredients or combinations of ingredients capable of producing the effects claimed. Misbranding was alleged in substance for the further reason that the statements appearing in the labeling of the so-called food for hogs, to wit, "This Food is prepared from Herbs, Seeds and Roots. It is prepared from purely vegetable ingredients. \* \* \* All the ingredients composing this Food are \* \* \* Herbs, Seeds and Roots. It contains no Mineral whatever except salt," and the statements appearing in the labeling of a portion of the so-called food for stock, to wit, "This food is prepared from herbs, seeds and roots. Purely vegetable. It contains no minerals whatever, except salt," were false and misleading in that all the ingredients composing the so-called food for hogs were not herbs, seeds, and roots, since it consisted essentially of wheat products, to wit, middlings, and a mineral substance in addition to salt, to wit, sulphur, and in that the so-called food for stock was not purely vegetable since it contained salt and sulphur.



On July 27 and 31, 1922, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10776. Adulteration and misbranding of prepared mustard. U. S. v. 9 Cases of Prepared Mustard. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 15111. I. S. No. 3972-t. S. No. C-3091.)

On July 7, 1921, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 9 cases, more or less, of prepared mustard, remaining unsold in the original unbroken packages at Topeka, Kans., alleging that the article had been shipped by the Bayle Food Products Co., St. Louis, Mo., on July 24, 1920, and transported from the State of Missouri into the State of Kansas, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in substance in the libel for the reason that it contained mustard hulls which had been colored and so packed with and substituted for the pure article as to conceal inferiority.

Misbranding was alleged for the reason that the branding and labeling on the product was misleading and calculated to deceive the purchaser into the belief that the product was pure mustard, whereas, in truth and in fact, it was a mixture of and offered for sale under the distinctive name of another article, and for the further reason that said product was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 12, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10777. Adulteration and misbranding of olive oil. U. S. v. 25 Gallon Cans, 40 Half-Gallon Cans, and 70 One-Quarter-Gallon Cans of an Article Purporting to be Olive Oil. Consent decree of condemnation and forfeiture. Product ordered released on bond.** (F. & D. No. 15377. I. S. Nos. 15424-t, 15425-t, 15426-t. S. No. E-3537.)

On or about August 10, 1921, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 gallon cans, 40 half-gallon cans, and 70 one-quarter-gallon cans of an article purporting to be olive oil, remaining unsold at Hoboken, N. J., alleging that the article had been shipped on or about May 20, June 20, and April 18, 1921, by I. Haber, New York, N. Y., and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel for the reason that a substance, peanut oil, mixed in a manner whereby damage or inferiority was concealed, had been substituted wholly or in part for the article, and had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength. Adulteration of the article considered as a drug was alleged for the reason that it was sold under a name recognized in the United States Pharmacopeia and differed from the Pharmacopœial standard of strength, quality, or purity.

Misbranding of the article was alleged for the reason that it was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, as the statement made was not correct. Misbranding was alleged for the further reason that the package or label of said article bore a statement, design, or device regarding the article or the ingredients or substances contained therein which was false and misleading and deceived and misled the purchaser, as follows, "Olio d'Olive Puro Importato Pure Imported Olive Oil Napoli Brand Net Contents One Gallon Net Contents Half Gallon Net Contents One Quart. (Cut of foreign scene suggesting Naples.) This imported olive oil is guaranteed to be absolutely pure and especially adapted for medicinal and table use" (practically same statements in Italian).

On May 15, 1922, Isador Haber, New York, N. Y., claimant, having consented to an entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be delivered and released to said claimant, upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$323.50, conditioned in part that the product should not be disposed of unless rebranded and properly marked to the satisfaction of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10778. Misbranding of alfalfa meal. U. S. v. The Denver Alfalfa Milling & Products Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 15467. I. S. Nos. 7844-t, 7849-t, 14859-t.)**

On January 24, 1922, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Denver Alfalfa Milling & Products Co., a corporation, Lamar, Colo., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about November 26, November 27, and December 13, 1920, respectively, from the State of Colorado into the States of Pennsylvania and Tennessee, respectively, of quantities of alfalfa meal which was misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 11, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10779. Adulteration and alleged misbranding of tomatoes. U. S. v. 698 Cases of Foote's Best Brand Tomatoes. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 15534. I. S. Nos. 8509-t, 8510-t. S. No. E-3632.)**

On November 7, 1921, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 698 cases of tomatoes, remaining unsold in the original packages at Petersburg, Va., alleging that the article had been shipped on August 19, 1921, by D. E. Foote & Co., Baltimore, Md., and transported from the State of Maryland into the State of Virginia, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Compass Brand Tomatoes Packed by D. E. Foote and Co., Inc. \* \* \* Baltimore, Md."

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements regarding the article were false and fraudulent (misleading), since said article contained added diluted purée pulp or core juice and skin.

On December 15, 1921, D. E. Foote & Co., Inc., claimant, having admitted the material allegations of the libel, the court found the product to be adulterated, and ordered it to be confiscated and condemned. It was provided, however, that the article might be released to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of \$1,500, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10780. Misbranding of Vitalo. U. S. v. 10 Bottles of Vitalo. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15732. S. No. C-3356.)**

On or about December 10, 1921, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 bottles of Vitalo, remaining in the original packages at Birmingham, Ala., alleging that the article had been shipped by the Allan-Pfeiffer Chemical Co., St. Louis, Mo., on or about October 29, 1920, and transported from the State of Missouri into the State of Alabama, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of extracts of plant drugs, including damiana and nux vomica, sugar, alcohol, and water.



Misbranding of the article was alleged in substance in the libel for the reason that the following statements, regarding the curative and therapeutic effect of the said article, appearing on the labels of the bottle and carton containing the article, " \* \* \* Vitalo \* \* \* A Nerve and Muscle Tonic \* \* \*," and the additional statements appearing on the said carton, " \* \* \* Remedy \* \* \* For General Weakness \* \* \* Nervous Debility \* \* \* For the Nerves, Brain and Muscles \* \* \*," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 16, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10781. Adulteration and misbranding of neosalvarsan. U. S. v. 1047 Packages of Neosalvarsan. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15786. I. S. Nos. 9807-t, 9808-t. S. No. E-3808.)**

On March 20, 1922, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1047, more or less, packages of an article purporting to be neosalvarsan, remaining unsold in the original packages at Caguas, Porto Rico, alleging that the article had been transported into Porto Rico, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that a portion of it consisted of sodium chlorid, and that the remainder consisted of sodium bicarbonate, colored yellow with methyl orange.

Adulteration of the article was alleged in the libel for the reason that its strength and purity fell below the professed standard of quality under which it was sold.

Misbranding was alleged for the reason that the statement "Neosalvarsan" was false and misleading, and for the further reason that the article was an imitation of another article.

On August 1, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10782. Adulteration of oranges. U. S. v. 12 Dozen Boxes of Decomposed Oranges. Consent decree of condemnation and forfeiture. Product released on bond for sorting and destruction of the adulterated oranges. (F. & D. No. 15790. I. S. No. 11194-t. S. No. W-1058.)**

On March 21, 1922, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 12 dozen boxes of decomposed oranges, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped on March 6, 1922, by the Riverside Heights Orange Growers Assoc., Riverside, Calif., and transported from the State of California into the State of Oregon, and charging adulteration in violation of Food and Drugs Act. The article was labeled in part: "W Navels Pepper Leaf Brand Riverside Heights Orange Growers Association, Riverside, Calif."

Adulteration of the article was alleged in the libel for the reason that decomposed and frozen and dried oranges had been substituted for normal oranges of good commercial quality.

On April 3, 1922, the California Fruit Growers Exchange, claimant, having admitted the material allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be released to said claimant, or any of its duly authorized agents, upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the product be sorted under the supervision of this department, and it was further ordered that the frozen and damaged oranges be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*



**10783. Adulteration of oranges. U. S. v. 462 Boxes of Oranges. Consent decree of condemnation and forfeiture. Product released under bond (F. & D. No. 15797. S. No. W-1060.)**

On March 24, 1922, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 462 boxes of oranges, remaining unsold in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped by the Peppers Fruit Co., on or about March 17, 1922, and transported from the State of California into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Wash Navels Coral Grown and Packed by West Highland Citrus Association, Highland, \* \* \* Cal." The remainder of the article was labeled in part: "Wash Navels Our Brand Highland \* \* \* Cal. Packed Expressly for us by West Highland Citrus Association."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a decomposed vegetable substance.

On March 30, 1922, Evans & Peppers, a copartnership, consisting of O. C. Evans and E. H. Peppers, claimants, having admitted the allegations of the libel and consented to a decree of condemnation and forfeiture, judgment of the court was entered declaring the product to be adulterated and ordering its release to the said claimants, upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, in conformity with section 10 of the act, conditioned in part that the said product be salvaged under the supervision of this department, the bad portion destroyed and the good portion then to be delivered to the said claimants without condition.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10784. Adulteration and misbranding of orange, raspberry, strawberry, and lemon flavoring extracts. U. S. v. 17 Bottles of Orange Flavoring Extract, 11 Bottles of Raspberry Flavoring Extract, 20 Bottles of Strawberry Flavoring Extract and 72 Bottles of Lemon Flavoring Extract. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15979. I. S. Nos. 15465-t, 15466-t, 15467-t, 15470-t. S. No. E-3774.)**

On February 16, 1922, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 17 bottles of orange flavoring extract, 11 bottles of raspberry flavoring extract, 20 bottles of strawberry flavoring extract, and 72 bottles of lemon flavoring extract, remaining unsold and in the original unbroken packages at Bridgeport, Conn., alleging that the article had been shipped on or about August 23, August 8, September 30, and November 1, 1921, by Leading Perfumers & Chemists, New York, N. Y., and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of Food and Drugs Act, as amended.

Adulteration of the article was alleged in substance in the libel for the reason that, in the case of the orange flavoring and lemon flavoring extracts, a certain substance, and, in the case of the raspberry and strawberry flavoring extracts, artificial coloring had been mixed and packed with the articles so as to reduce and lower and injuriously affect their quality and strength, and had been substituted wholly or in part for the articles.

Misbranding was alleged for the reason that the labels upon each of the bottles bore at the time of their shipment and delivery certain statements, words, and devices, as follows, "2 fluid ounces," "Extract of Orange," "Extract of Raspberry," "Extract of Strawberry," "Extract of Lemon" (as the case might be), which said statements, words, and devices were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that said articles, respectively, were each an imitation of and offered for sale under the distinctive name of another article, and for the further reason that said articles were articles of food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 12, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10785. Adulteration of eggs. U. S. v. 50 Cases of Eggs. Decree of condemnation and forfeiture. Product ordered recandled, the portion found good to be sold and the portion found to be unfit for food to be destroyed. (F. & D. No. 15983. I. S. No. 3595-t. S. No. C-3403.)**

On January 13, 1922, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 cases of eggs, remaining in the unbroken packages at Duluth, Minn., alleging that the article had been shipped on or about December 29, 1921, by the S. Miller Cold Storage Co., Marshfield, Wis., and transported from the State of Wisconsin into the State of Minnesota, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a decomposed animal substance.

On or about February 8, 1922, the matter having come on for final disposition, it was ordered by the court that the portion of the eggs found on recandling to be edible should be sold by the United States marshal and that the inedible eggs should be destroyed.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10786. Adulteration of oranges. U. S. v. 423 Boxes of Oranges. Product released on bond for salvaging. (F. & D. No. 16109. I. S. No. 13473-t. S. No. C-3498.)**

On March 18, 1922, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 423 boxes, more or less, of oranges at Wichita, Kans., alleging that the article had been shipped on or about March 10, 1922, by the Duarte-Monrovia Fruit Exchange, Monrovia, Calif., and transported from the State of California into the State of Kansas, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it had been damaged by freezing.

On April 3, 1922, the California Fruit Growers Exchange, claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be released to said claimant for salvaging, upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, in conformity with section 10 of the act, conditioned in part that the sorting be done under the supervision of this department and the decomposed oranges destroyed.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10787. Misbranding of Abbott Bros. compound for rheumatism. U. S. v. 2 Dozen Bottles of Abbott Bros. Compound for Rheumatism. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16317. S. No. E-3866.)**

On May 17, 1922, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 dozen bottles of Abbott Bros. compound for rheumatism, consigned on or about March 16, 1922, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Abbott Bros. Co., Berwyn, Ill., and transported from the State of Illinois into the State of Maryland, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of 8 per cent of potassium iodid, 1½ per cent of extracts of plant drugs, including colchicum, 16.9 per cent of alcohol, and approximately 73 per cent of water, flavored with small amounts of aromatics, including methyl salicylate.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements, regarding its curative and therapeutic effects, appearing on the bottle and carton containing the said article and in the accompanying circular, (bottle, carton, and circular) “\* \* \* For Rheumatism \* \* \*,” (carton) “\* \* \* Muscular, Articular, inflammatory \* \* \* Sciatica, Rheumatic Neuritis, and Stiffness and Soreness of the Joints and Muscles \* \* \* Lumbago and all Muscular and



Nerve Pains of Rheumatic Origin \* \* \*," were false and fraudulent, since the said article did not contain any ingredient or combination of ingredients capable of producing the effects claimed.

On August 5, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10788. Misbranding of cane and maple sirup. U. S. v. 1740 Cans of Cane and Maple Sirup. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 16375, 16376. I. S. Nos. 13920-t, 13921-t, 13922-t, 13923-t. S. Nos. W-1094, W-1095.)

On June 9, 1922, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1740 cans of cane and maple sirup, remaining unsold in the original unbroken packages at Cheyenne, Wyo., alleging that the article had been shipped on or about October 1, 1920, from Denver, Colo., and transported from the State of Colorado into the State of Wyoming, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "A No 1 Vincent's Leader Cane and Maple Sirup Vincent 10 Lbs. Net" (or "5 Lbs. net" or "2½ Lbs. Net") "Vincent Syrup Co. Denver, Colo."

Misbranding of the article was alleged in substance in the libel for the reason that the statement upon the labels of the cans was false and misleading, in that the net contents of each of said cans was not 10 full pounds or 5 full pounds or 2½ full pounds, but, in truth and in fact, was less than 10 full pounds, 5 full pounds or 2½ full pounds, as the case might be, and for the further reason that said article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight or measure, but was so marked as to deceive and mislead the purchaser, and purported to contain 10 full pounds, 5 full pounds, and 2½ full pounds, respectively, whereas, in truth and in fact, said packages did not contain 10 full pounds, 5 full pounds or 2½ full pounds, respectively.

On July 24, 1922, the matter coming on to be heard, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal at public auction to the highest bidder. It was further ordered, however, that upon payment of the costs of the proceedings and the execution of bond in the sum of \$500, in conformity with section 10 of the act, the product might be delivered to the owner thereof. On August 2, 1922, the Vincent Syrup Co. of Denver, Colo., tendered its bond in the sum of \$500, in accordance with the provisions of the decree of the court, and was permitted to withdraw the product upon payment of the costs of the proceedings. It was ordered by the court, however, that the product should be relabeled so as to show the true quantity of the contents of the cans before the same should be offered for sale.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10789. Adulteration and misbranding of vinegar. U. S. v. 14 Barrels, et al, of Vinegar. Consent decrees of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 16377, 16381, 16397. I. S. Nos. 6083-t, 15029-t, 15031-t. S. Nos. E-3891, E-3897, E-3953.)

On June 3, 9, and 19, 1922, respectively, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 133 barrels of vinegar, remaining in the original unbroken packages, in part at Pittsburgh and in part at New Castle, Pa., alleging that the article had been shipped by the National Vinegar Co. from Brocton, N. Y., between the dates of May 3 and May 19, 1922, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Pure Cider Vinegar Made from Apples \* \* \* Distributed by National Vinegar Company, Buffalo, N. Y."

Adulteration of the article was alleged in substance in the libels for the reason that distilled vinegar, with respect to a portion of the product, and distilled vinegar and vinegar made from evaporated apple products, with respect to the remainder thereof, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the statement "Pure Cider Vinegar made from Apples \* \* \*," appearing in the labeling of the article, was false and misleading, and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, "Pure Cider Vinegar Made from Apples."

On August 3, 1922, the Brocton Products Co., Brocton, N. Y., claimant, having admitted the allegations of the libels, with the exception of the allegations which charge adulteration, and having consented to the entry of a decree, judgment of the court was entered, declaring the product to be adulterated and ordering its condemnation and providing that it be released to the said claimant, upon payment of the costs of the proceedings and the execution of a bond in the aggregate sum of \$1,500, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10790. Misbranding of cottonseed cake and meal. U. S. v. Harry W. Sheckley, et al (Industrial Cotton Oil Properties). Plea of guilty. Fine, \$25. (F. & D. No. 14904. I. S. No. 18818-r.)**

On May 29, 1922, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Harry W. Sheckley, William O. Thompson, and Cecil O. Phillips, all of New York, N. Y., Herbert E. Wells, Columbia, S. C., and Elliott B. Church, Boston, Mass., trading under the name of Industrial Cotton Oil Properties, Seguin, Tex., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about January 29, 1920, from the State of Texas into the State of Kansas, of a quantity of Rabbitfoot Brand cottonseed cake and meal which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the presence of 41.43 per cent of crude protein.

Misbranding of the article was alleged for the reason that the statement "Guaranteed Analysis—Protein not less than 43%," borne on the tags attached to the sacks containing the article, regarding the article and the ingredients and substances contained therein, was false and misleading, in that it represented that the article contained not less than 43 per cent of protein, and for the further reason that the said article was labeled as aforesaid so as to mislead the purchaser into the belief that it contained not less than 43 per cent of protein, whereas, in truth and in fact, it did contain less than 43 per cent of protein, to wit, 41.43 per cent of protein.

On June 8, 1922, a plea of guilty to the information was entered on behalf of the defendants, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10791. Adulteration and misbranding of olive oil. U. S. v. 1 Barrel of Olive Oil. Decree of condemnation. Product released on bond. (F. & D. No. 15301. I. S. No. 12151-t. S. No. E-3520.)**

On August 5, 1921, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 barrel of olive oil, at Somersworth, N. H., alleging that the article had been shipped on or about May 7, 1921, by the Alpha Importing Co., New York, N. Y., and transported from the State of New York into the State of New Hampshire, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel for the reason that cottonseed oil had been mixed and packed therewith and substituted wholly or in part for olive oil, and for the further reason that it had been mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the article purporting to be olive oil and offered for sale as such was an imitation of and offered for sale under the distinctive name of another article, and for the further reason that it was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 29, 1921, James Kirkes, claimant, having filed a bond in the sum of \$100, in conformity with section 10 of the act, it was ordered by the court that the product might be released to said claimant, upon the payment of the costs of the proceedings, and upon condition that the product be so branded and marked as to show compliance with the provisions of the Food and Drugs Act if again offered for sale.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*



**10792. Adulteration of eggs. U. S. v. 250 Cases of Eggs. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 15320. I. S. No. 6945-t. S. No. E-3514.)**

On July 29, 1921, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 250 cases of eggs, remaining unsold in the original unbroken packages at Waterbury, Conn., alleging that the article had been shipped by the Litchfield Produce Co., Litchfield, Minn., on or about July 8, 1921, and transported from the State of Minnesota into the State of Connecticut and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On August 11, 1921, Morris & Co., Waterbury, Conn., claimant, having consented thereto, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product might be delivered to said claimant, upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$5,000, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10793. Adulteration and misbranding of color. U. S. v. 1 Pound of Color. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15600. I. S. No. 6914-t. S. No. E-3639.)**

On November 10, 1921, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 pound of color, remaining unsold in the original unbroken package at New Haven, Conn., alleging that the article had been shipped on or about August 8, 1921, by Haug & Co., Inc., New York, N. Y., and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Green Color Prepared From Certified Colors. Haug & Co., Inc. Manufacturers of The 'Never-Fail' Brands \* \* \* 295 Broadway New York."

Adulteration of the article was alleged in the libel for the reason that there had been mixed and packed with it nonpermitted color or dye, salt, sodium sulphate, and arsenic in excessive amounts, so as to reduce and lower and injuriously affect its quality and strength, and for the further reason that sodium chlorid had been substituted wholly or in part for the article.

Misbranding was alleged for the reason that the label upon the package containing the article bore certain statements, designs, words, and devices regarding the article and the ingredients and substances contained therein which were false and misleading and deceived and misled the purchaser, to wit, "Green Color Prepared From Certified Colors \* \* \* The 'Never-Fail' Brands Flavoring, Spices, Colors and Bakers', Confectioners and Ice Cream Specialties." Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On January 10, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10794. Adulteration of salmon. U. S. v. 560 Cases of Salmon. Default decree of condemnation and forfeiture. Product ordered turned over to the fish warden of the State of Oregon. (F. & D. No. 15606. S. No. W-876.)**

On November 1, 1921, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 560 cases of salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped on or about March 27, 1920, and transported from the State of New York into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Xtragood Brand Alaska Pink Salmon Packed by Straits Packing Co. Skowl Arm, Alaska."

Adulteration of the article was alleged in the libel for the reason that it consisted of a filthy, decomposed, and putrid animal substance.

On December 19, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the fish warden of the State of Oregon for use in the State fish hatcheries.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10795. Misbranding of olive oil. U. S. v. 5 Alleged 1-Gallon Cans, More or Less, of Olive Oil. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 15708. I. S. No. 1770-t. S. No. C-3347.)

On December 6, 1921, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on or about January 31, 1922, an amended libel, for the seizure and condemnation of 5 alleged 1-gallon cans of olive oil, remaining unsold and in the original unbroken packages at Henryetta, Okla., alleging that the article had been shipped on or about August 10, 1921, by Andrew Russo & Co., Chicago, Ill., and transported from the State of Illinois into the State of Oklahoma, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "One Gallon Net Diana Brand Superfine Olive Oil."

Misbranding of the article was alleged in the libel for the reason that the statement, to wit, "One Gallon Net," borne and labeled on each of said cans, concerning the quantity of said article of food contained therein, was false and misleading, in that said statement represented each can as containing 1 gallon net of said article of food, and for the further reason in substance that the article was labeled as aforesaid so as to deceive and mislead the purchaser thereof into the belief that said cans each contained 1 gallon net of the article, whereas, in truth and in fact, said cans did not each contain 1 gallon net of the article of food but contained a less quantity. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the stated quantity, to wit, "One Gallon Net," was incorrect and represented more than the actual contents of the package.

On June 29, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10796. Misbranding of olive oil. U. S. v. 7 Gallons, 22 Quarts, and 22 Pint Cans of Olive Oil. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 15922. I. S. Nos. 11235-t, 11236-t, 11237-t. S. No. W-1040.)

On January 16, 1922, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 7 gallon cans, 22 quart cans, and 22 pint cans of olive oil, so-called, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped on or about July 27, 1921, by Deligiannis Bros., Chicago, Ill., and transported from the State of Illinois into the State of Washington, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Universal Brand Deligiannis Brothers Chicago."

Misbranding of the article was alleged in the libel for the reason that the statements on the respective containers, to wit, "one gallon," "one quart," and "one pint," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 10, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10797. Adulteration of beans. U. S. v. 25 Cases, 77 Cases, and 17 Cases of Stringless Beans. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 16133, 16134, 16135. I. S. No. 11246-t. S. No. W-927.)

On April 26, 1922, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and



condemnation of 25 cases, 77 cases, and 17 cases of stringless beans, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped on or about November 9, 1921, by the Monumental Canning Co., Baltimore, Md., and transported from the State of Maryland into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Monument Square Brand Cut Stringless Beans Packed by Monumental Canning Co. Inc. Baltimore, Maryland."

Adulteration of the article was alleged in the libels for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On June 12, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10798. Adulteration and misbranding of canned beans. U. S. v. 33 Cases of Cut White Waxed Beans. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16308. S. No. E-3812.)**

On May 12, 1922, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 33 cases of cut white waxed beans, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on or about November 15, 1921, by the Monumental Canning Co., Inc., Baltimore, Md., and transported from the State of Maryland into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Gold Bond Brand Cut White Wax Beans Packed by Monumental Canning Co., Inc. Baltimore, Md. Contents 1 pound 3 ounces."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed with and substituted wholly or in part for the article.

Misbranding was alleged for the reason that the statement on the label, "Cut White Wax Beans Contents 1 pound 3 ounces," together with design of string beans, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On August 4, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10799. Adulteration and misbranding of clams. U. S. v. 25 Cases of Clams. Decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 16350. I. S. No. 6782-t. S. No. E-3884.)**

On May 27, 1922, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 cases of clams, at Manchester, N. H., alleging that the article had been shipped on or about April 23, 1922, by H. S. Kane, Brooklin, Me., and transported from the State of Maine into the State of New Hampshire, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Pleasant River Brand Maine Clams Packed by H. S. Kane, Brooklin and Addison, Maine, Contains 5 Ozs. of Clams \* \* \*"

Adulteration of the article was alleged in the libel for the reason that excessive brine had been substituted in whole or in part for clams.

Misbranding was alleged for the reason that the label on the cases containing the statement, "Maine Clams, 5 Ozs. of Clams (design showing clams in shell)," was false and misleading and deceived and misled purchasers thereof. Misbranding was alleged for the further reason that the article was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 28, 1922, the case having come on for disposition, and H. S. Kane, claimant, having filed bond in the sum of \$250, in conformity with section 10 of the act, it was ordered by the court that the product be released to said claimant, upon payment of the costs of the proceedings and upon condition that the

clams be marked and branded so as to show compliance with the provisions of the Food and Drugs Act, if again offered for sale.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10800. Adulteration of tomato catsup. U. S. v. 7½ Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction.**  
(F. & D. No. 14777. I. S. No. 6601-t. S. No. E-3313.)

On April 12, 1921, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 7½ cases of tomato catsup, remaining unsold in the original unbroken packages at Bridgeport, Conn., alleging that the article had been shipped on or about December 2, 1920, by the Ellis Canning Co., Angola, N. Y., and transported from the State of New York into the State of Connecticut, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Success Tomato Catsup Packed by The Ellis Canning Co. Angola, N. Y. Superior Quality."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted wholly or in part of filthy, decomposed, and putrid vegetable substance.

On July 23, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*



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# United States Department of Agriculture.

## SERVICE AND REGULATORY ANNOUNCEMENTS.

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[Approved by the Acting Secretary of Agriculture, Washington, D. C., December 8, 1922.]

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

**10801. Misbranding of Pratt's conditioner. U. S. v. 6 Packages of Pratt's Conditioner. Default decree of condemnation, forfeiture, and destruction or sale.** (F. & D. No. 14833. S. No. E-3304.)

On April 27, 1921, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 6 packages of Pratt's conditioner, remaining unsold in the original unbroken packages at Sandy Hook, Conn., alleging that the article had been shipped on or about May 25, 1920, by the Pratt Food Co., Philadelphia, Pa., and transported from the State of Pennsylvania into the State of Connecticut, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of ground plant material, including oats, wheat, weed seeds, traces of ginger, caraway, fenugreek, and nux vomica, and inorganic material, including salt, Epsom salt, Glauber's salt, and copperas.

Misbranding of the article was alleged in substance in the libel for the reason that the labels upon the packages of the same bore certain statements, designs, words, and devices regarding the curative and therapeutic effects of said article, as follows, " \* \* \* aids in the prevention of Hog Cholera \* \* \* Assists in preventing sinking of Calves \* \* \* insure healthy foal in mares, and make stallions' service sure \* \* \* make the bulls' service sure \* \* \* For Hog Cholera.—In cases of hog cholera or any other sickness \* \* \*," which statements, designs, devices, and words were intended to be of such a character as to induce the purchaser to believe that the article was a conditioner, when, in truth and in fact, it was not.

On September 30, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal, with the proviso, however, that in case said marshal was able to effect a speedy sale at private sale he should do so.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10802. Adulteration and misbranding of vinegar. U. S. v. 67 Cases, 20 Cases, and 106 Cases of Vinegar. Default decrees of condemnation and forfeiture. Product ordered destroyed or sold.** (F. & D. Nos. 14959, 14960, 14961. I. S. Nos. 5071-t, 5068-t, 5069-t. S. Nos. E-3326, E-3369.)

On May 28, 1921, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation



of 67 cases, 20 cases, and 106 cases of vinegar, remaining unsold in the original unbroken packages at Hartford and New London, Conn., alleging that the article had been shipped on or about May 24, June 19, July 15, September 22, and May 18, 1920, by the Naas Cider & Vinegar Co., Cohocton, N. Y., and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Steuben Brand Reduced to 4% Acetic Acid \* \* \* reduced Cider Vinegar fermented \* \* \* Made from Apples \* \* \* Net Contents One Pint \* \* \* Naas Cider & Vinegar Co., Inc. Cohocton, N. Y."

Adulteration of the article was alleged in the libels for the reason that distilled vinegar had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the article aforesaid, and for the further reason that the article had been mixed in a manner whereby its inferiority was concealed.

Misbranding of the article was alleged for the reason that the labeling upon the cases containing it bore certain statements, designs, words, and devices as follows, "Cider Vinegar fermented Made from Apples Net Contents One Pint" (design showing red apple), which statements, designs, words, and devices were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the said article was an imitation of and was offered for sale under the distinctive name of another article, to wit, cider vinegar, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 30, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal, with the proviso that in case the said marshal was able to effect a speedy sale of the article at private sale he should do so.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10803. Adulteration and misbranding of table oil. U. S. v. 2 Cases, et al, of Table Oil. Default decrees of condemnation, forfeiture, and destruction or sale.** (F. & D. Nos. 14983, 15382. I. S. Nos. 6617-t, 5495-t, 5496-t, 5497-t. S. Nos. E-3374, E-3573.)

On June 7 and September 2, 1921, respectively, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 2 cases, each containing 10 gallon cans and 8 gallon cans, of table oil, and 15 gallon cans, 20 half-gallon cans, and 40 quart cans of table oil, remaining unsold in the original unbroken packages, in part at Waterbury and in part at Hartford, Conn., alleging that the article had been shipped by the Italy Commercial Co., New York, N. Y., in part May 10, 1921, and in part June 27, 1921, and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in substance in the libels for the reason that cottonseed oil had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article, and for the further reason that it was mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged in substance for the reason that the labels of the gallon and half-gallon cans containing the article bore certain statements, to wit, "Finest Quality Table Oil Tipo Termini Imerese 1 Gal. Net" (or " $\frac{1}{2}$ -Gal. Net") and a scene showing olive pickers, and the labels of the quart cans containing the article bore certain statements, to wit, "Finest Quality Table Oil Insuperabile Termini Imerese Type Net Contents One Quart," which said statements, designs, words, and devices were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, to wit, table oil, and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages. Misbranding was alleged with respect to a portion of the article for the further reason that it purported to be a foreign product, when, in truth and in fact, it was a product of domestic manufacture packed in the United States.

On September 30, 1921, and June 21, 1922, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be sold by the United States marshal, or destroyed if such sale could not be speedily effected.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10804. Adulteration and misbranding of olive oil. U. S. v. 20 Cans of Alleged Olive Oil. Default decree of condemnation, forfeiture, and destruction or sale. (F. & D. No. 15030. I. S. No. 6613-t. S. No. E-3376.)**

On June 8, 1921, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 20 cans of alleged olive oil, remaining unsold in the original unbroken packages at Bridgeport, Conn., alleging that the article had been shipped by Yohalem & Diamond, New York, N. Y., on or about May 10, 1921, and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in substance in the libel for the reason that cottonseed oil had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality and strength, and had been substituted wholly or in part therefor, and for the further reason that it had been mixed in a manner whereby damage and inferiority were concealed.

Misbranding was alleged in substance for the reason that the cans containing the article bore certain statements, to wit, "Pure Olive Oil \* \* \* This Olive Oil is guaranteed to be absolutely pure under chemical analysis Lucca Italy," which statements, together with the use of the Italian language, were false and misleading in that they were intended to be of such a character as to induce the purchaser to believe that the said article was pure olive oil, when, in truth and in fact, it was not. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, to wit, olive oil, and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the said package.

On June 21, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal, or destroyed, if such sale could not be speedily effected.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10805. Adulteration and misbranding of olive oil. U. S. v. 6 Dozen Cans and 16 Dozen Cans of Olive Oil. Default decree of condemnation, forfeiture, and destruction or sale. (F. & D. No. 15083. I. S. Nos. 6684-t, 6685-t, 6686-t. S. No. E-3388.)**

On June 23, 1921, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 6 dozen cans and 16 dozen cans of olive oil, remaining unsold in the original unbroken packages at Bridgeport, Conn., alleging that the article had been shipped by Yohalem & Diamond, New York, N. Y., on or about May 23, 1921, and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel for the reason that cottonseed oil had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the labels on the said 6 dozen cans of the said article bore the statements, to wit, "Pure Olive Oil \* \* \* Extra Olio Puro d'Oliiva \* \* \* Marca Stella \* \* \* Non Plus Ultra Olio Sopraffino Puro d'Oliiva Garantito sotto qualunque Analisi Chimica \* \* \* Net Contents One Full Half-Gallon \* \* \*," and a design showing cherub bearing olive branch, and the labels of the said 16 dozen cans of the article bore the statements, to wit, "Pure Olive Oil \* \* \* Olio Puro d'Oliiva Questo Olio d'Oliiva e'garantito assolutamente puro sotto



analisi chimica \* \* \* This Olive Oil is guaranteed to be absolutely pure under chemical analysis \* \* \* Net Contents One Quarter Gallon," and a design showing olive branch bearing olives, which said statements, designs, words, and devices were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, to wit, pure olive oil, and for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, with the exception of 12 dozen of the said 16 dozen cans.

On June 21, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal, or destroyed if such sale could not be speedily effected.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10806. Misbranding of olive oil. U. S. v. 12 Gallons, et al, of Olive Oil. Default decrees of condemnation and forfeiture. Product ordered sold or destroyed.** (F. & D. Nos. 15104, 15105, 15326. I. S. Nos. 5078-t, 5079-t, 6682-t, 6693-t. S. Nos. E-3515, E-3401.)

On June 30 and July 29, 1921, respectively, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 22 gallons of olive oil, remaining unsold in the original unbroken packages, 5 gallon cans at New Haven, 5 gallon cans at Waterbury, and 12 half-gallon cans and 24 quart cans at Hartford, Conn., alleging that the article had been shipped by C. Buonocore & Son, New York, N. Y., between the dates of April 27 and May 7, 1921, and transported from the State of New York into the State of Connecticut, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Roma Brand Puro Olio D'Oliva Il Campidoglio (Roma). C. Buonocore & Son 1 Gallon" (or " $\frac{1}{2}$  Gallon" or "1 Quart").

Misbranding of the article was alleged in substance in the libels for the reason that the labels on the respective cans containing the said article bore the statements, to wit, "1 Gallon," " $\frac{1}{2}$  Gallon," and "1 Quart," as the case might be, which said statements were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On September 30, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be sold by the United States marshal or destroyed if such sale could not be speedily effected.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10807. Adulteration of canned stringless beans. U. S. v. 10 Cases of Canned Stringless Beans. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 16280. I. S. No. 15622-t. S. No. E-3864.)

On May 8, 1922, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 cases of canned stringless beans, remaining unsold in the original unbroken packages at Yonkers, N. Y., consigned by W. H. Killian Co., Baltimore, Md., alleging that the article had been shipped from Baltimore, Md., on or about April 7, 1922, and transported from the State of Maryland into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Killian's Kuality Cut Green Stringless Beans."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid, and decomposed vegetable substance.

On August 4, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10808. Adulteration and misbranding of butter. U. S. v. 97 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16669. I. S. No. 2503-v. S. No. E-4083.)**

On July 26, 1922, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 97 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Montrose Cooperative Creamery, Montrose, Minn., alleging that the article had been shipped from Montrose, Minn., on or about July 14, 1922, and transported from the State of Minnesota into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel for the reason that excessive water had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that a valuable constituent of the article, to wit, butter fat, had been wholly or in part abstracted.

Misbranding was alleged in substance for the reason that the tubs containing the article bore the statement, "Butter Made From Sweet Cream," which statement regarding the said article and the ingredients and substances contained therein was false and misleading. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 27, 1922, Clinton G. Heyd, Philadelphia, Pa., having entered an appearance as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$4,000, in conformity with section 10 of the act, conditioned in part that it be reworked under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10809. Adulteration of shell eggs. U. S. v. 91 Cases, et al, of Shell Eggs. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 16745, 16746, 16747. I. S. Nos. 1205-v, 1206-v, 1207-v. S. Nos. E-4104, E-4105, E-4106.)**

On or about July 28, 1922, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 288 cases of shell eggs, remaining in the original unbroken packages at Baltimore, Md., consigned July 22, 1922, alleging that the article had been shipped by the East Tennessee Produce Co., in part from Rogersville, Tenn., and in part from Morristown, Tenn., and transported from the State of Tennessee into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libels for the reason that it contained an excessive amount of eggs which were decomposed in whole or in part.

On July 30 and August 4, 1922, respectively, Dixon R. Smith, trading as Dixon R. Smith & Co., and Joseph Smelkinson, trading as Smelkinson Bros., both of Baltimore, Md., having entered their appearances as claimants for 91 cases and 197 cases, respectively, of the said article, and said claimants having admitted the material allegations of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimants upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$750, in conformity with section 10 of the act, conditioned in part that it be sorted under the supervision of this department, after which the good portion might be disposed of for human consumption.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10810. Alleged misbranding of rice bran. U. S. v. Empire Rice Mill Co., a Corporation. Tried to the court and a jury. Verdict of not guilty. (F. & D. No. 10757. I. S. No. 16151-r.)**

On September 27, 1919, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against



the Empire Rice Mill Co., a corporation, New Orleans, La., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about November 20, 1918, from the State of Louisiana into the State of Georgia, of a quantity of rice bran which was alleged to have been misbranded. The article was labeled in part: "150 Pounds Rice Bran \* \* \*"

Examination, by the Bureau of Chemistry of this department, of 257 sacks of the article from the consignment showed that the average net weight of the sacks examined was 135.1 pounds, an average shortage from the declared weight of 14.9 pounds, or 9.93 per cent.

Misbranding of the article was alleged in the information for the reason that the statement appearing on the labels of the sacks containing the said article, to wit, "150 Pounds," was false and misleading in that the said statement represented that each of said sacks contained not less than 150 pounds of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead purchasers, in that the said statement represented to purchasers that each sack of the article contained not less than 150 pounds thereof, whereas, in fact and in truth, each of the said sacks did not contain 150 pounds of the said article, but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly or conspicuously marked on the outside of the package, in terms of weight, measure, and numerical count.

On June 21, 1922, the case having come on for final disposition before the court and a jury, after the submission of evidence and arguments by counsel, the jury returned a verdict of not guilty.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10811. Adulteration and misbranding of cottonseed meal screenings. U. S. v. Alexandria Cotton Oil Co., Inc., a Corporation. Tried to the court and a jury. Verdict of guilty. Fine, \$150 and costs. (F. & D. No. 12475. I. S. No. 11968-r.)**

On July 17, 1920, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Alexandria Cotton Oil Co., Inc., a corporation, Alexandria, La., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about December 17, 1918, from the State of Louisiana into the State of Kansas, of a quantity of an article invoiced as 43 per cent protein cottonseed meal screenings, in unlabeled sacks, which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 40.55 per cent of protein.

Adulteration of the article was alleged in the information for the reason that cottonseed meal screenings containing less than 43 per cent of protein had been substituted in whole or in part for 43 per cent cottonseed meal screenings which the article purported to be.

Misbranding was alleged for the reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 12, 1922, the case having come on for trial before the court and a jury, after the submission of evidence and arguments by counsel, the case was submitted to the jury who after deliberating rendered a verdict of guilty, and the court imposed a fine of \$150 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10812. Misbranding of manhood pills. U. S. v. 10 Packages of Manhood Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13958. I. S. No. 1634-t. S. No. C-2595.)**

On November 23, 1920, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 packages of manhood pills, remaining unsold in the original unbroken packages at Longstreet, La., alleging that the article had been shipped by the Fitzpatrick Drug Co., Helena, Ark., October 12, 1920, and transported from the State of Arkansas into the State of Louisiana, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills contained zinc phosphid and extracts of nux vomica and damiana, coated with calcium carbonate.

Misbranding of the article was alleged in substance in the libel for the reason that the labels on the boxes containing the article and the accompanying circulars bore certain statements regarding its curative and therapeutic effect, which falsely and fraudulently represented it to be effective to restore lost manhood and to bring strong healthy sexual power, to cure weak, nervous, shaky, and unstrung conditions and impotence and weak sexual power in men, when, in fact and in truth, it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On May 22, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10813. Adulteration and misbranding of vinegar. U. S. v. 53 Barrels of Alleged Cider Vinegar. Consent decree of condemnation and forfeiture. Product ordered sold and relabeled. (F. & D. No. 14078. I. S. No. 6466-t. S. No. E-2939.)**

On December 18, 1920, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 53 barrels of alleged cider vinegar at Newark, N. J., alleging that the article had been shipped on or about October 27, 1920, by the National Vinegar Co., Palatine Bridge, N. Y., and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Barrel head) "N. Y. State Pure Cider Vinegar Reduced to N. Y. State Standard 4 per centum by J. C. Vosburgh, Canajoharie, N. Y."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, excessively diluted apple waste vinegar, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in whole or in part for the article, and for the further reason that said article had been mixed in a manner whereby inferiority had been concealed.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the distinctive name of another article, and for the further reason that the label bore a statement regarding the article or the ingredients or substances contained therein, to wit, "N. Y. State Pure Cider Vinegar Reduced to N. Y. State Standard 4 per centum," which was false and misleading and deceived and misled the purchaser, since the analysis showed the presence of apple waste vinegar and excessive water.

On October 4, 1921, John C. Vosburgh, claimant, having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be relabeled under the supervision of this department and sold by the United States marshal, with the proviso, however, that the product might be released and restored to said claimant upon the payment of the costs of the proceedings and the execution of bond in the sum of \$800, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10814. Adulteration of shell eggs. U. S. v. John T. Tisdale et al (Tisdale Grocery). Plea of guilty. Fine, \$25. (F. & D. No. 14303. I. S. No. 444-t.)**

On October 18, 1921, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John T. Tisdale and Nancy Elizabeth Tisdale, trading as Tisdale Grocery, Dodsonville, Tex., alleging shipment by said defendants in violation of the Food and Drugs Act, on or about July 28, 1920, from the State of Texas into the State of Oklahoma, of a quantity of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of a sample of the article, consisting of 360 eggs, showed the presence of 96 decomposed eggs, or 26.6 per cent, consisting of mixed or white rots and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On June 6, 1922, a plea of guilty to the information was entered on behalf of the defendants, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*



**10815. Misbranding of Pratt's cow remedy. U. S. v. 24 Packages of Pratt's Cow Remedy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14441. S. No. E-3120.)**

On February 12, 1921, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 24 packages of Pratt's cow remedy, remaining in the original unbroken packages at Rosslyn, Va., alleging that the article had been shipped on or about November 30, 1920, by the Pratt Food Co., Philadelphia, Pa., and transported from the State of Pennsylvania into the State of Virginia, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of a mixture of salt, soda, Epsom salt, iron oxid, fenugreek, ginger, nux vomica, and gentian.

Misbranding of the article was alleged in substance in the libel for the reason that the labels thereof bore certain statements regarding the curative and therapeutic effect of said article of drugs, as follows, "Pratts Cow Remedy \* \* \* For Barrenness \* \* \* For Calves: For preventing or treating scours \* \* \* For Accidental or Non-Contagious Abortion \* \* \* Contagious Abortion Retained Afterbirth \* \* \* Pratts Cow Remedy is a tested compound to aid in the prevention and treatment of Abortion (Slinking of Calves), Barrenness (Failure to Breed), Retained Afterbirth \* \* \*," which said statements were false and fraudulent in that the article of drugs did not contain any ingredient or combination of ingredients capable of producing the effects claimed.

On July 6, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10816. Misbranding of apples. U. S. v. Clarence Nelson. Plea of guilty. Fine, \$25. (F. & D. No. 14514. I. S. Nos. 10267-t, 10268-t.)**

On May 21, 1921, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Clarence Nelson, Green River, Utah, alleging shipment by said defendant in violation of the Food and Drugs Act, as amended, on or about October 2 and 4, 1920, from the State of Utah into the State of Colorado, of quantities of apples which were misbranded. The article in the first shipment was unlabeled and that in the second shipment was labeled: "Winter Banana Fancy."

Misbranding of the article in each shipment was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 14, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10817. Adulteration and misbranding of artificial port wine, blackberry cordial, and non-alcoholic apricot cordial. U. S. v. Charles L. Levy and Ben Arnovitz (Utah Beverage Co.). Pleas of guilty. Fine, \$100. (F. & D. No. 14757. I. S. Nos. 3514-r, 3515-r, 3516-r.)**

On August 22, 1921, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Charles L. Levy and Ben Arnovitz, operating under the firm name of the Utah Beverage Co., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about March 19, 1920, from the State of Utah into the State of Idaho, of quantities of articles labeled in part, "Non-alcoholic Port \* \* \* Artificial Port Wine," "Blackberry Cordial, Non-Intoxicating," and "Non-alcoholic Apricot \* \* \* Cordial," which were adulterated and misbranded.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the artificial port was an artificially colored and flavored beverage, with little or no fruit juices, containing benzoate of soda, the blackberry cordial consisted of sugar and phosphoric acid, flavored with cinnamon and benzaldehyde, and colored with caramel and a coal-tar dye, containing benzoic acid or a benzoate, the apricot cordial consisted of sugar and phosphoric acid, colored with caramel, and artificially flavored, containing benzoate of soda.

Adulteration of the artificial port was alleged in the information for the reason that it was a product preserved with and containing added benzoate of soda, and the package containing said product bore no statement showing the presence and amount of benzoate of soda contained in said product, and for the further reason that a substance, to wit, benzoate of soda, had been substituted in part for artificial port wine which the article purported to be.

Misbranding of this article was alleged in substance for the reason that the statements, to wit, "Artificial Port Wine, Superfine Quality, Non-Alcoholic," together with a pictorial representation of grapes, other fruits, and a wine glass, borne on said label on the bottles containing the article, concerning which and the ingredients contained therein, were false and misleading in that said statements and said pictorial design represented to the purchaser thereof that said article was a product manufactured and produced of the same material, to wit, grapes and juice thereof, used in producing a real and natural wine, but so manufactured as to be non-alcoholic, and for the further reason that said article was labeled as aforesaid so as to deceive and mislead the purchaser thereof into the belief that it was a product manufactured from fruit juices, especially juice from grapes, prepared in such a manner as to be non-alcoholic, whereas, in truth and in fact, said article was not made from grapes or grape juice, or from any fruit or fruit juices, and the said article was not artificially made of the same material, to wit, grapes and the juice thereof, used in producing normal alcoholic wine, but was composed of and consisted essentially of a solution of sugar artificially colored and flavored and preserved with benzoic acid or benzoate of soda.

Adulteration of the blackberry cordial was alleged for the reason that it was a product preserved with and containing added benzoate of soda, and the package containing said product bore no statement showing the presence and amount of benzoate of soda contained therein, and for the further reason that substances, to wit, a dilute sirup, phosphoric acid, benzaldehyde or oil of bitter almonds and spices, benzoate of soda, and an artificial coloring matter, had been substituted wholly or in part for blackberry cordial, non-alcoholic, which the article purported to be, and for the further reason that coloring substances, to wit, caramel and amaranth, had been mixed with the article in a manner whereby its damage and inferiority were concealed.

Misbranding of this article was alleged in substance for the reason that the statement, to wit, "Blackberry Cordial," borne on the label on the bottles containing the article, concerning it and the ingredients contained therein, was false and misleading in that said statement represented to the purchaser thereof that said article was blackberry cordial having therein as the basic ingredient a major quantity of sirup of blackberry fruit, and for the further reason that said article was labeled as aforesaid so as to deceive and mislead the purchaser thereof into the belief that it was blackberry cordial as aforesaid, whereas, in truth and in fact, said article was not blackberry cordial but was a product composed of a dilute sugar sirup, flavored with phosphoric acid, benzaldehyde or oil of bitter almonds, containing benzoic acid or sodium benzoate, and little or an insufficient amount of the juice or sirup from blackberry fruit. Misbranding of this article was alleged in substance for the further reason that the article was a product composed of a dilute sugar sirup, flavored with phosphoric acid, benzaldehyde or oil of bitter almonds, containing benzoic acid or sodium benzoate, and having little or no juice or sirup from blackberry fruit therein, prepared in imitation of blackberry cordial, and was offered for sale under the distinctive name of another article, to wit, blackberry cordial, and for the further reason that the label on said bottles containing the article bore a pictorial representation of ripe blackberries which said representation constituted a design and device which was false and misleading to the purchaser of said article in that it represented that said article was made from ripe blackberries, whereas, in truth and in fact, it was not.

Adulteration of the apricot cordial was alleged for the reason that it was a product containing added benzoate of soda, and the package containing said product bore no statement showing the presence and amount of said benzoate, and for the further reason that substances, to wit, a solution of sugar and phosphoric acid, artificially flavored and colored, containing benzoic acid or benzoate, had been substituted wholly or in part for apricot cordial which the article purported to be, and for the further reason that a coloring matter, to wit, caramel, had been added to and mixed with said article in a manner whereby its inferiority was concealed.



Misbranding of this article was alleged in substance for the reason that the statement, to wit, "Superfine Quality Apricot Cordial," borne on the labels on the bottles containing said article, concerning said article, was false and misleading in that said statement represented to the purchaser that said article contained the juice of or sirup made from apricot fruit, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser thereof into the belief that it was apricot cordial, whereas, in truth and in fact, said article did not contain any juice or sirup from apricot fruit, and was not apricot cordial, but consisted wholly or in part of a solution of sugar and phosphoric acid and benzoate of soda, artificially colored and flavored. Misbranding was alleged for the further reason that the labels on the bottles containing the article bore a pictorial representation of ripe apricots, which said representation constituted a design and a device which was false and misleading to the purchaser of said article in that it represented that said article was made from the juice or sirup of ripe apricots, whereas, in truth and in fact, it was not made from the juice or sirup obtained from apricots but was composed essentially of a solution of sugar, phosphoric acid, and benzoate of soda, artificially flavored and colored with caramel.

On August 26, 1921, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$100.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10818. Adulteration and misbranding of prepared mustard. U. S. v. 3 Barrels and 5 Barrels of Prepared Mustard. Decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 14880, 14881. I. S. Nos. 5041-t, 5042-t. S. No. E-3319.)**

On April 20, 1921, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels of information against 8 barrels of prepared mustard, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Old Dutch Mustard Co., New York, N. Y., in part on or about February 1, 1921, and in part on or about February 10, 1921, and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Old Dutch Mustard Grade 2-A \* \* \* Manufactured by Old Dutch Mustard Company, \* \* \* New York."

Adulteration of the article was alleged in the libels for the reason that substances, to wit, corn starch or corn meal and mustard hulls, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted wholly or in part for prepared mustard, which the said article purported to be, and for the further reason that a coloring matter, to wit, turmeric, had been added and mixed with the article in a manner whereby its damage and inferiority was concealed.

Misbranding was alleged in substance for the reason that the statement, "Old Dutch Mustard," appearing in large, prominent type on the labels of the barrels containing the article, regarding the said article, not corrected by the relatively inconspicuous statement on the said label, to wit, "Compound—Mustard Seed, Bran, Corn, Spices, Vinegar, Turmeric, Salt, Benzoate of Soda Contents 7 Pints," was false and misleading when applied to an article containing added corn starch or corn meal and added mustard hulls, colored with turmeric, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure, unadulterated prepared mustard, whereas, in truth and in fact, it was not pure, unadulterated prepared mustard, but was a product adulterated by having added thereto corn starch or corn meal, mustard hulls, and turmeric. Misbranding was alleged for the further reason that the article was a product composed in part of added corn starch or corn meal and added mustard hulls, colored with turmeric, prepared in imitation of and offered for sale under the distinctive name of another article, to wit, prepared mustard.

On July 20, 1921, Vladimir K. Kedovich and Elsy Kedovich, New York, N. Y., having entered their appearance as claimants for the property, and having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to the said claimants upon payment of the costs of the proceedings.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10819. Misbranding of tankage. U. S. v. 18 Sacks of Digester Tankage. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 15188. I. S. No. 231-L. S. No. C-3123.)

On July 18, 1921, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 18 sacks of digester tankage, remaining unsold in the original unbroken packages at Janesville, Wis., alleging that the article had been shipped by the Rogers Grain Products Co., Belvidere, Ill., May 23, 1921, and transported from the State of Illinois into the State of Wisconsin, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "100 Lbs. Net Hygrade Brand Feeds Digester Tankage \* \* \* Made by Rogers Grain Products Co., Belvidere, Ill."

Misbranding of the article was alleged in substance in the libel for the reason that the following statement appearing on the sacks containing the said article, to wit, "Guaranteed Analysis: Protein 60%," was false, in that the said article did not contain 60 per cent of protein but did contain a less amount, the said statement regarding the amount of protein contained in the said article being false and misleading and calculated to deceive and mislead purchasers thereof in that it falsely represented the amount of protein contained therein.

On November 9, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10820. Adulteration of mixed feed. U. S. v. 800 Bags of Mixed Feed. Default decree declaring product adulterated and ordering its destruction.** (F. & D. No. 595-c. I. S. No. 9077-t.)

On August 4, 1920, the United States attorney for the Western District of North Carolina, acting upon a report by an official of the Department of Agriculture of North Carolina, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 800 bags of mixed feed, at Marion, N. C., alleging that the article had been shipped by the Nashville Grain & Feed Co., Nashville, Tenn., July 2, 1920, and transported from the State of Tennessee into the State of North Carolina, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Standard Mixed Feed Nashville Grain & Food Co., Protein 14.50 Fat 6.50 Fiber 9.00 Carbohydrates 55.0."

Adulteration of the article was alleged in substance in the libel for the reason that a substance containing 12.2 per cent of protein, 5.6 per cent of fat, and 12 per cent of fiber had been mixed and packed with and substituted wholly or in part for mixed feed purporting to contain 14.50 per cent of protein, 6.50 per cent of fat, 9 per cent of fiber, and 55 per cent of carbohydrates. Adulteration was alleged for the further reason that the article was mixed in a manner whereby damage or inferiority was concealed.

On September 7, 1921, no claimant having appeared for the property, judgment of the court was entered, declaring the product to be adulterated and ordering its destruction by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10821. Misbranding of Hobo kidney and bladder remedy. U. S. v. 144 Bottles and 78 Bottles of Hobo Kidney and Bladder Remedy. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 12616, 12617. I. S. Nos. 9686-r, 9687-r. S. Nos. C-1897, C-1909.)

On April 29, 1920, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 144 bottles and 78 bottles of Hobo kidney and bladder remedy, at San Antonio and Austin, Tex., alleging that the article had been shipped on or about January 15, 1920, and September 29, 1919, respectively, by the Hobo Medicine Mfg. Co., Shreveport, La., and transported from the State of Louisiana into the State of Texas, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton) "Kidney & Bladder Remedy, A Vegetable Compound Manufactured from Native Herbs \* \* \* Bright's Disease acute and chronic Cystitis renal & vesical pus or blood in urine. Incontinence Albuminuria & Ailments caused from Defective



(kidney and bladder) Elimination \* \* \* One of the Greatest Alternatives \* \* \*. Back Ache, Persistent Head Ache, Dizziness, Forgetfulness, Weakness and Rheumatism When Caused by Disordered Kidneys, the Same Being True of Inflammation of the Bladder;" (bottle) "Kidney and Bladder Remedy. A Vegetable Compound for the Treatment of Brights Disease, Acute and Chronic Cystitis, Renal and Vesical Pus or Blood in Urine, Incontinence and Retention, Albuminuria and all Ailments caused from Defective (Kidneys and Bladder) Elimination;" (booklet) "For nearly three years, Mr. G. D. Horton \* \* \* was a sufferer from Bright's disease in its most malignant form. \* \* \* Within three days \* \* \* Mr. Horton was greatly improved, and within two months restored to health without any recurrence of the malady in the intervening years. \* \* \* Mr. Horton has named the preparation Hobo Kidney and Bladder Remedy. \* \* \* it not only gave speedy relief to all the tortures which kidney and bladder afflictions entailed, such as incontinence of urine, gravel in the bladder, irritated glands, backaches, kindred complaints, but that in many instances the cures were absolutely permanent. \* \* \* If your case is of long standing, do not expect one or two bottles to cure you. \* \* \* you must continue to take the medicine—a half-dozen a dozen bottles—yes, until you feel absolutely sure every vestige of your trouble has been removed."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of small quantities of extract of a plant drug similar to Galium Aparine, benzoic acid, salicylic acid, and water. Water constituted 98 per cent of the article and the dissolved matter, 2 per cent.

Misbranding of the article was alleged in substance in the libels for the reason that the above-quoted claims and statements regarding the curative effects of said article were false and fraudulent, for the reason that said drug or product contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 14, 1921, and May 29, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10822. Misbranding of Allan's Star Brand pills and compound tansy, pennyroyal and cotton root pills. U. S. v. 33 Packages of Allan's Star Brand Pills and 30 Packages of Compound Tansy, Pennyroyal and Cotton Root Pills. Default decrees of condemnation, forfeiture, and destruction. (F. & D. No. 13840. S. Nos. C-2570, C-2571.)**

On November 17, 1920, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 33 packages of Allan's Star Brand pills and 30 packages of compound tansy, pennyroyal and cotton root pills, remaining unsold in the original unbroken packages at Shreveport, La., alleging that the articles had been shipped by the Allan-Pfeiffer Chemical Co., St. Louis, Mo., June 23, 1920, and transported from the State of Missouri into the State of Louisiana, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the Star Brand pills consisted essentially of iron sulphate, aloes, and starch, coated with sugar and calcium carbonate, and that the compound tansy, pennyroyal, and cotton root pills consisted essentially of iron sulphate, aloes, and pennyroyal oil, coated with sugar and calcium carbonate.

Misbranding of the articles was alleged in substance in the libels for the reason that the circulars contained in the packages containing the said articles bore the following statements, "Safe and Effectual Remedy in Suppressed or Painful Menstruation \* \* \* Four or five days immediately preceding the expected appearance of the menstrual flow active treatment should begin \* \* \* To Prevent Irregularities.—Take one Pill three times daily for four or five days preceding the expected appearance of the menstrual period. For Painful Menstruation.—The same treatment prescribed for suppression," which said statements regarding the curative and therapeutic effect of the said articles were false and fraudulent, since they contained no ingredient or combination of ingredients capable of producing the effects claimed.

On May 22, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10823. Adulteration of Carolene. U. S. v. 490 Cases of Carolene. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15343. I. S. No. 14-t. S. No. C-3175.)**

On August 26, 1921, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 490 cases of Carolene (returned shipments by various consignees), remaining unsold in the original unbroken packages at Prairie du Chien, Wis., having been reshipped to the Wisconsin Butter and Cheese Co., alleging that the article had been shipped in various portions from St. Louis, Mo., Chicago, Peoria, and Nobel, Ill., Benton Harbor and Dowagiac, Mich., Omaha, Nebr., and Keokuk, Iowa, between the dates of December 11, 1919, and December 23, 1920, and transported from the respective States of Missouri, Illinois, Michigan, Nebraska, and Iowa into the State of Wisconsin, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Net weight 1 Pound Carolene A Compound of Refined Nut Oils & Evaporated Skimmed Milk."

Adulteration of the article was alleged in substance in the libels for the reason that it consisted in whole or in part of a filthy, putrid, and decomposed animal substance.

On October 22, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10824. Misbranding of anemia tablets. U. S. v. 12 Dozen Packages of Anemia Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15359. I. S. No. 10719-t. S. No. W-1012.)**

On September 2, 1921, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 12 dozen packages of drugs labeled in part, "Anemia Tablets," remaining in the original unbroken packages at Los Angeles, Calif., consigned by Dr. Carlos M. Rivoll, Laredo, Tex., alleging that the article had been shipped on or about March 12, 1920, and transported from the State of Texas into the State of California, and charging misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that the tablets consisted of milk sugar (95 per cent) and small quantities of cinchona alkaloids, charcoal, sulphur, gum, and compounds of arsenic, phosphorus, iron, and sodium.

Misbranding of the article was alleged in substance in the libel for the reason that the circulars accompanying the same contained the following statements, " \* \* \* 'Anemia Tablets' will restore lost vigor, relieve mental disorders, neurasthenia, etc, \* \* \* Dispensia \* \* \* relief in all cases \* \* \* the Best remedy for the diseases here on mentioned \* \* \* Debility caused by excesses. Weakness of convalescents. Leucorrhoea \* \* \* Weakness of memory. Rickets disease of children. Menstrual disorders. Vertigo. Fainting, etc \* \* \* Nothing better than Anemia Tablets to produce an appetite! \* \* \*," whereas the said drug contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed for it, and the said statements in the circulars were false and fraudulent.

On April 11, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be disposed of in accordance with the provisions of the Food and Drugs Act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*



**10825. Misbranding of olive oil. U. S. v. 47 Quart Cans, et al, of Olive Oil. Default decree of condemnation, forfeiture, and destruction or sale.** (F. & D. No. 15480. I. S. Nos. 6268-t, 15478-t, 15479-t. S. No. E-3605.)

On October 15, 1921, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 47 quart cans, 9 gallon cans, and 20 half-gallon cans of olive oil, remaining unsold in the original unbroken packages at Bridgeport, Conn., alleging that the article had been shipped by N. Goodman & Son, New York, N. Y., on or about August 24, 1921, and transported from the State of New York into the State of Connecticut, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Pure Imported Olive Oil Olio d'Oliva Puro Di Lucca Italia Marca Stella Alpino Brand \* \* \* N. Goodman & Son Importers & Packers N. Y. U. S. A. Lucca Italy \* \* \* Net Contents One Full Quart" (or "One Full Gallon" or "One Full Half Gallon").

Examination of a sample of the article by the Bureau of Chemistry of this department showed that it was short weight.

Misbranding of the article was alleged in substance in the libel for the reason that the respective cans containing the said article bore the following statements, "Net Contents One Full Quart," "One Full Gallon," and "One Full Half Gallon," as the case might be, which said statements were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On January 10, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal or destroyed if such sale could not be speedily effected.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10826. Adulteration and misbranding of vinegar. U. S. v. 26 Barrels, et al, of Vinegar. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 15627, 15834. I. S. Nos. 8373-t, 8374-t, 17254-t, 17255-t. S. Nos. E-3648, E-3830.)

On December 30, 1921, and April 5, 1922, the United States attorney for the Northern District of West Virginia, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 26 barrels, 23 barrels, 10 half barrels, and 32 cases of vinegar, remaining unsold in the original unbroken packages, in part at Fairmont, and in part at Clarksburg, W. Va., alleging that the article had been shipped on or about October 17 and 6, 1921, by the DeLuxe Products Co., Pittsburgh, Pa., and transported from the State of Pennsylvania into the State of West Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the product was labeled in part, "DeLuxe Products Co. DeLuxe Pure Cider Vinegar Pittsburgh, Pa.;" and a portion was labeled, "DeLuxe Brand Pure Cider Vinegar Made From Apple Juice."

Adulteration of the article was alleged in substance in the libels for the reason that it was not pure cider vinegar, but was made from evaporated apple products and consisted wholly or in part of distilled vinegar which had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength and had been wholly or in part substituted for the article, and for the further reason that it was mixed and colored in a manner whereby damage and inferiority were concealed.

Misbranding was alleged in substance for the reason that the statements "Pure Cider Vinegar" and "Pure Cider Vinegar Made From Apple Juice" were false and misleading for the reason that the product was not pure cider vinegar made from apple juice or pure cider vinegar, for the further reason that said article was an imitation of and offered for sale under the distinctive name of another article, to wit, pure cider vinegar made from apple juice and pure cider vinegar, and for the further reason that the article was labeled and branded so as to deceive and mislead the purchaser.

On January 25 and June 5, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10827. Adulteration and misbranding of tea. U. S. v. 480 Packages and 200 Packages of King Brand Flowery Orange Pekoe Tea. Consent decree of condemnation and forfeiture. Product released on bond for relabeling. (F. & D. No. 15933. I. S. Nos. 9395-t, 9396-t. S. No. E-3739.)**

On February 2, 1922, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 480 one-fourth-pound packages and 200 one-half-pound packages of King Brand Flowery Orange Pekoe tea, remaining in the original unbroken packages at Charleston, S. C., alleging that the article had been shipped on or about July 30, 1921, August 4, 1921, and December 29, 1921, by the Federal Tea Co., Baltimore, Md., and transported from the State of Maryland into the State of South Carolina, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "King Brand Flowery Orange Pekoe Tea Packed Solely By Federal Tea Company, Inc. \* \* \* Baltimore, Md.  $\frac{1}{4}$ -Pound" (or " $\frac{1}{2}$ -Pound") "Net Weight When Packed."

Adulteration of the article was alleged in the libel for the reason that a grade or grades of tea other than Flowery Orange Pekoe had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality or strength and had been substituted wholly or in part for the article.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the distinctive name of another article, to wit, Flowery Orange Pekoe tea, for the further reason that the statement on the labels, "Flowery Orange Pekoe Tea," was false and misleading and deceived and misled the purchaser, since the packages contained a grade or grades of tea other than Flowery Orange Pekoe tea, for the further reason that the statement on the labels of the 200 packages, " $\frac{1}{2}$ -Pound Net Weight," was false and misleading and deceived and misled the purchaser, since the packages contained less than that amount, and for the further reason that the 200 packages were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statements made were not correct.

On March 2, 1922, the Federal Tea Co., claimant, having appeared for the property, it was ordered by the court that the product might be released and turned over to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of \$100, in conformity with section 10 of the act, conditioned in part that the product be relabeled so as to meet the approval of this department and that the deficiency in the short weight cans be made up.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10828. Adulteration of crab meat. U. S. v. 262 Cases and 84 Cases of Crab Meat. Default decree of condemnation and forfeiture. Product ordered turned over to the Fisheries Department of the State of Washington as fish food. (F. & D. No. 15984. I. S. Nos. 14026-t, 11250-t. S. No. W-1057.)**

On March 20, 1922, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 262 cases and 84 cases of crab meat, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Dobbins Packing Co., Wrangell, Alaska, June 10, 1921, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. The 262 cases were labeled on the cans: "Elmore Brand Fresh Oregon Crab Meat Packed by Elmore Packing Co." The 84 cases were labeled in part on the cans: "Elmore Brand Alaska Crab Meat Packed in Alaska by Dobbins Packing Co."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of filthy, decomposed, and putrid animal substance.

On April 20, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be turned over to the Fisheries Department of the State of Washington for use as fish food only, in connection with the hatcheries of the State of Washington, upon payment of all storage costs assessed against the crab meat since the seizure of the same.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*



**10829. Adulteration of oranges. U. S. v. 1 Carload of Oranges. Consent decree of condemnation and forfeiture. Product released on bond for sorting and destruction of the decomposed oranges. (F. & D. No. 16366. I. S. No. 977-t. S. No. C-3640.)**

On April 18, 1922, the United States attorney for the Western District of Tennessee, acting upon a report by a health officer of the city of Memphis, Tenn., filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 carload of oranges, remaining in the original unbroken cases at Memphis, Tenn., alleging that the article had been shipped on or about March 31, 1922, by the Riverside Heights Assoc., Riverside, Calif., and transported from the State of California into the State of Tennessee, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Pepper Leaf Brand, Riverside Heights Orange Growers Association, Riverside, Calif."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in whole or in part of a decomposed vegetable substance.

On April 19, 1922, the California Fruit Growers Exchange, Memphis, Tenn., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be delivered to said claimant upon payment of the costs of the proceedings and execution of bond in the sum of \$2,000, in conformity with section 10 of the act, conditioned in part that the oranges be reconditioned to the satisfaction of this department and that such of the oranges that were not found to meet the requirements of this department be destroyed.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10830. Alleged misbranding of cottonseed meal and cake. U. S. v. Louisiana Cotton Oil Co., a Corporation. Tried to the court and a jury. Verdict of not guilty. (F. & D. No. 13165. I. S. No. 12043-r.)**

On December 3, 1920, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Louisiana Cotton Oil Co., a corporation, Shreveport, La., alleging shipment by said company in violation of the Food and Drugs Act, as amended, on or about January 22, 1919, from the State of Louisiana into the State of Kansas, of a quantity of an article labeled in part, "100 Pounds Gross. Manufactured by Southland Cotton Oil Co. Paris, Texas," which was alleged to have been misbranded.

Analysis of samples of the product by the Bureau of Chemistry of this department showed that it contained 44.17 per cent of protein and 8.57 per cent of ammonia.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Guaranteed Analysis: Protein 46.00 Ammonia 8.95" and "Manufactured by Southland Cotton Oil Co. Paris, Texas," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that said article contained not less than 46 per cent of protein and not less than 8.95 per cent of ammonia, and that said article was manufactured by the Southland Cotton Oil Co. of Paris, Texas, and for the further reason that said article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 46 per cent of protein and not less than 8.95 per cent of ammonia, and that said article was manufactured by the Southland Cotton Oil Co. of Paris, Texas, whereas, in truth and in fact, said article did not contain 46 per cent of protein and 8.95 per cent of ammonia, but did contain a less amount, to wit, 44.17 per cent of protein and 8.57 per cent of ammonia, and said article was not manufactured by the Southland Cotton Oil Co., Paris, Texas, but was manufactured by the Louisiana Cotton Oil Co., Shreveport, La. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 22, 1922, the case coming on for trial before the court and a jury, after the submission of evidence and arguments by counsel, the case was submitted to the jury who after deliberating rendered a verdict of not guilty.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10831. Misbranding of Rapier's Creamo dairy feed. U. S. v. William Frederick Rapier and James Rapier, Copartners, trading as Rapier Sugar Feed Co. Plea of guilty. Fine, \$75. (F. & D. No. 13174. I. S. Nos. 24628-r, 24638-r, 24642-r.)**

On January 19, 1921, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William Frederick Rapier and James Rapier, copartners, trading as Rapier Sugar Feed Co., Owensboro, Ky., alleging shipment by said defendants in violation of the Food and Drugs Act, on or about September 6, October 6, and October 14, 1919, from the State of Kentucky into the State of Indiana, of quantities of Rapier's Creamo dairy feed which in each instance was misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed the presence of 13.25 per cent, 12.6 per cent, and 12.9 per cent of protein and 1.89 per cent, 2.66 per cent, and 2.29 per cent of ether extract, respectively.

Misbranding of the article in each shipment was alleged in the information for the reason that the statement, to wit, "Rapier Sugar Feed Company, of Owensboro, Ky., Guarantees this Rapier's Creamo Dairy Feed to contain not less than 3.5 per cent. of crude fat, 16.5 per cent. of crude protein," borne on the tags attached to the sacks containing the article, regarding the article and the ingredients and substances therein contained, was false and misleading in that said statement represented that the article contained not less than 3.5 per cent of crude fat and not less than 16.5 per cent of crude protein, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 3.5 per cent of crude fat and not less than 16.5 per cent of crude protein, whereas, in truth and in fact, said article contained less than 3.5 per cent of crude fat and less than 16.5 per cent of crude protein, to wit, approximately, 1.89 per cent, 2.66 per cent, and 2.29 per cent, as the case might be, of crude fat, and 13.25 per cent, 12.6 per cent, and 12.9 per cent, as the case might be, of crude protein.

On November 19, 1921, the defendants entered a plea of guilty to the information, and the court imposed a fine of \$75.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10832. Misbranding of Chase's blood and nerve special. U. S. v. 9 Boxes of Chase's Blood and Nerve Special. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13315. I. S. No. 6283-t. S. No. E-2491.)**

On August 18, 1920, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 9 boxes of a drug labeled in part, "Chase's Blood & Nerve Special," at Newark, N. J., alleging that the article had been shipped during the month of May, 1920, by the United Medicine Co., Philadelphia, Pa., and transported from the State of Pennsylvania into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that it contained ferrous carbonate, aloin, capsicum, zinc phosphid, and nux vomica extractive.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements regarding the curative and therapeutic effects thereof, (wrapper) "Nerve Tablets \* \* \* Special for Weak, Run-Down People \* \* \* a restorative to the nerves, giving health, strength and vigor to the weak, nervous, emaciated, convalescent and overworked \* \* \* in Dizziness, Despondency, General Debility \* \* \* Weakness and a Lack of Strength," (label) "Nerve Tablets," (circular) "These Tonic Preparations are Especially Useful in Cases of Weakness and a Lack of Strength \* \* \* a restorative to the nerves, giving health, strength and vigor to the weak, nervous, emaciated, convalescent and overworked. These Tablets can be taken in Dizziness, Despondency, General Debility, Irritability, and in conditions where there is Weakness and a Lack of Strength \* \* \* they aid digestion and stop fermentation in the stomach \* \* \* The Tablets begin their work by correcting the stomach \* \* \* Women who find the tablets make them menstruate too freely should not take them during that period. As a female



regulator \* \* \* During pregnancy they should not be taken until after the fourth month, on account of their speedy action on the blood \* \* \* Men will find these Tablets a powerful restorative tonic \* \* \* Convalescents \* \* \* where the body has been left emaciated, the blood thin and watery, the nervous system shattered, and the digestive organs too weak to assimilate the food \* \* \* require \* \* \* Chase's Blood and Nerve Tablets," were false and fraudulent for the reason that the article did not contain any ingredient or combination of ingredients capable of producing the results claimed for it.

On July 11, 1921 no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10833. Adulteration and misbranding of prepared mustard. U. S. v. 6 Cases and 29 Cases of Prepared Mustard. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 14618. I. S. Nos. 3222-t, 3223-t. S. Nos. C-2859, C-2860.)

On March 14, 1921, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 6 cases and 29 cases of prepared mustard, remaining unsold in the original unbroken packages at Cairo, Ill., consigned in part by the Bayle Food Products Co., St. Louis, Mo., and in part by the Evans-Rich Mfg. Co., St. Louis, Mo., alleging that the article had been shipped on or about August 4 and 17, 1920, and transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The 6 cases of mustard were labeled in part: "10 Oz. Net Wgt. Fox Brand Old English Style Prepared Mustard." The 29 cases were labeled in part: "Fox Brand Superior Prepared Mustard 9 Oz."

Adulteration of the article was alleged in the libel for the reason that mustard hulls had been mixed and packed therewith and substituted wholly or in part for the article, and for the further reason that said article was mixed and colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements on the labels, "10 Oz. Net Wgt. \* \* \* Prepared Mustard Mustard Seed, Vinegar, Salt and Condiments. Colored and Flavored with Turmeric" and "Prepared Mustard 9 Oz.," were false and misleading and deceived and misled purchasers, for the further reason that said article was an imitation of and offered for sale under the distinctive name of another article, and for the further reason that said article was in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On June 30, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10834. Misbranding of pears. U. S. v. Charles E. Lays, et al (Lays Bros.) Plea of guilty. Fine, \$25.** (F. & D. No. 15068. I. S. No. 5928-t.)

On September 13, 1921, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Charles E. Lays and John C. Lays, trading as Lays Bros., Rochester, N. Y., alleging shipment by said defendants in violation of the Food and Drugs Act, as amended, on or about January 14, 1921, from the State of New York into the State of Pennsylvania, of a quantity of Kiefer pears, in barrels, which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 9, 1921, a plea of guilty to the information was entered on behalf of the defendants, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10835. Misbranding of salad oil. U. S. v. 50 Cans, et al, of Salad Oil. Consent decrees of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 15242, 15277, 15278. I. S. Nos. 6981-t, 6982-t, 7035-t, 7037-t, 7038-t, 7039-t. S. Nos. E-3462, E-3498, E-3505.)

On July 23 and 27, 1921, respectively, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 90 gallon cans, 20 half-gallon cans, and 100 quart cans of salad oil, remaining unsold in the original unbroken packages, in part at New Haven, Conn., and in part at Bridgeport, Conn., alleging that the article had been shipped by the Littauer Oil Co., Guttenberg, N. J., between the dates of March 10 and June 15, 1921, and transported from the State of New Jersey into the State of Connecticut, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "La Provence Brand Oil \* \* \* Better than Olive Oil \* \* \* Littauer Oil Co., Guttenberg, N. J."

Misbranding of the article was alleged in substance in the libels for the reason that the cans containing the said article bore the following statements, "Net Contents One Gallon," "One Half-gallon," or "One Quart," as the case might be, which said statements were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the said packages.

On February 1, 1922, the Littauer Oil Co., Guttenberg, N. J., having entered an appearance as claimant for the property and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of good and sufficient bonds, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10836. Adulteration and misbranding of olive oil. U. S. v. 5 Cans, et al, of Olive Oil. Default decree of condemnation, forfeiture, and sale or destruction.** (F. & D. No. 15284. I. S. Nos. 7032-t, 7033-t, 7034-t. S. No. E-8497.)

On July 28, 1921, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 14 half-gallon cans and 9 gallon cans of olive oil, remaining unsold in the original unbroken packages at Bridgeport, Conn., alleging that the article had been shipped by the Littman Oil Co., New York, N. Y. (invoiced by the Littauer Oil Co. Guttenberg, N. J.), on or about May 21, 1921, and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the article was labeled in part: "La Marca \* \* \* Loco One Half Gallon Olio Il Loco Brand \* \* \* Littauer Oil Co. Guttenberg, N. J." The remainder of the article was labeled in part: "One Half Gallon" (or "One Gallon") "Olivolo Brand Olio Per Insalata Come L'Olio D'Oliiva \* \* \*"

Adulteration of the Olivolo brand was alleged in the libel for the reason that cottonseed oil had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that it was mixed in a manner whereby inferiority was concealed.

Misbranding was alleged in substance for the reason that the labels on the cans containing the Olivolo brand bore the following statements, "Olivolo Brand \* \* \* Olio Per Insalata Come L'Olio D'Oliiva \* \* \* A Pure Salad Oil Blended With Olive Oil \* \* \* Il Provence 'Olio' Viene Estratto Da Vegetali Di Prima Qualita Con Metodi Perfezzionati E'Iginici E'Perfettamente \* \* \* E'Salutifero Per Eccellenza," together with a design of a draped flag, crown, and shield, and the cans containing the remainder of the article bore the statement, "One half Gallon," which said statements, designs, and devices were false and misleading and deceived and misled the purchaser. Misbranding was alleged with respect to the Olivolo brand, for the further reason that it was an imitation of and offered for sale under the distinctive name of another article, to wit, olive oil, and for the further reason that it purported to be a foreign product, when, in truth and in fact, it was a product of domestic manufacture packed in the United States.



On September 30, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal or destroyed if such sale could not be speedily effected.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10837. Adulteration and misbranding of sauerkraut. U. S. v. 71 Cases of Sauerkraut. Consent decree of condemnation and forfeiture. Goods ordered released on bond. (F. & D. No. 16057. I. S. No. 939-t. S. No. C-3432.)**

On February 20, 1922, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 71 cases of sauerkraut, remaining unsold in the original unbroken packages at Louisville, Ky., consigned by the New Albany Canning Corp., New Albany, Ind., on or about February 1, 1922, alleging that the article had been transported in interstate commerce from the State of Indiana into the State of Kentucky, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Indiana Home Brand Sauer Kraut \* \* \* Packed by New Albany Canning Corp. (Incorporated) New Albany, Ind."

Adulteration of the article was alleged in the libel for the reason that excessive brine or liquor had been mixed and packed therewith and substituted wholly or in part for the article.

Misbranding was alleged for the reason that the statement, "Sauer Kraut," was false and misleading and deceived and misled the purchaser, and for the further reason that said article was an imitation of, and was offered for sale under the distinctive name of, another article.

On April 11, 1922, the said New Albany Canning Corp., claimant, having appeared for the property and the matter having come on for hearing before the court, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be released to said claimant upon the payment of the cost of the proceeding and the execution of bond, in conformity with section 10 of the act, conditioned in part that the claimant rebrand and correctly label the product so as to show its true nature and character.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10838. Adulteration of eggs. U. S. v. Golden & Co., a Corporation. Collateral of \$50 forfeited. (F. & D. No. 16216. I. S. No. 17010-t.)**

On July 11, 1922, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the said District an information against Golden & Co., a corporation, Washington, D. C., alleging that said company on December 29, 1921, did offer for sale and sell within the District of Columbia a quantity of shell eggs which were adulterated in violation of the Food and Drugs Act.

Examination by the Bureau of Chemistry of this department of a sample of the article, consisting of 1,260 eggs, showed the presence of 133 bad eggs, or 10.5 per cent, consisting of black rots, mixed or white rots, moldy eggs, and spot rots.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed and putrid animal substance.

On July 11, 1922, the case having come on for hearing and the defendant company having failed to appear, the \$50 that had been deposited by it as collateral to insure its appearance was ordered forfeited by the court.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10839. Adulteration of oranges. U. S. v. 396 Boxes, et al, of Oranges. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 16357, 16365. I. S. Nos. 3923-t, 3925-t. S. Nos. C-3512, C-3632.)**

On or about March 25 and May 1, 1922, respectively, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 792 boxes of oranges, remaining unsold in the original unbroken packages at Oklahoma City, Okla.,

alleging that the article had been shipped by the Randolph Marketing Co., in part from Upland, Calif., and in part from Highland, Calif., on or about March 16 and April 20, 1922, respectively, and transported from the State of California into the State of Oklahoma, and charging adulteration in violation of the Food and Drugs Act. The article was labeled variously, in part: "Randolph Special, Fancy Washington Navel;" "Geranium Brand, Washington Navels;" and "Coral Brand Washington Navels Grown and Packed by West Highland Citrus Association, Highland, \* \* \* California."

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of a decomposed vegetable substance.

On March 27 and May 2, 1922, respectively, the Randolph Marketing Co., claimant, having admitted the allegations of the libels and consented to the entry of decrees for the condemnation and forfeiture of the property, judgments were entered declaring the product to be adulterated, and it was ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$4,000, in conformity with section 10 of the act, conditioned in part that it be salvaged under the supervision of this department, the bad portion destroyed and the good portion delivered to the said claimant without condition.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10840. Misbranding of 2 over 3. U. S. v. Frank C. Boving. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 14552. I. S. No. 9140-r.)**

On June 21, 1921, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against F. C. Boving, Hot Springs, Ark., alleging shipment by said defendant in violation of the Food and Drugs Act, as amended, on or about July 3, 1920, from the State of Arkansas into the State of Illinois, of a quantity of 2 over 3 which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of crude oil containing small quantities of gasoline and kerosene.

Misbranding of the article was alleged in substance in the information for the reason that certain statements, designs, and devices regarding the therapeutic and curative effects thereof, appearing on the labels of the bottles in which the article was contained, falsely and fraudulently represented to the purchaser thereof that the article was effective as a treatment, remedy, and cure for eczema, psoriasis, rheumatism, catarrh, piles, goitre, dandruff, cancer, barber's itch, tetter, granulated eyelids, old sores, neuralgia, scabby, scaly skin, stiff joints, falling hair, cuts, sprains, and sore throat, when, in truth and in fact, it was not.

On July 15, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10841. Adulteration and misbranding of prepared mustard. U. S. v. 27 One-Gallon Bottles of Prepared Mustard. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14802. I. S. No. 5231-r. S. No. W-912.)**

On April 16, 1921, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 27 one-gallon bottles of prepared mustard, remaining in the original unbroken packages at Salt Lake City, alleging that the article had been shipped on or about October 23, 1920, by the Bayle Food Products Co., St. Louis, Mo., and transported from the State of Missouri into the State of Utah, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Prepared Mustard \* \* \* Bayle Food Products Co. St. Louis. Bayle Quality Prepared Mustard."

Adulteration of the article was alleged in the libel for the reason that it contained mustard hulls, which had been mixed and packed with and substituted wholly or in part for the pure article.

Misbranding was alleged for the reason that the labeling on the product was false and misleading in that it designated the contents of the bottles as prepared mustard seed, vinegar, and condiments, and flavored with turmeric, when, in truth and in fact, the article was colored in a manner whereby its



inferiority was concealed, and for the further reason that said article was an imitation of and offered for sale under the distinctive name of another article.

On February 18, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10842. Adulteration and misbranding of orange beverage, limeade, and lemon beverage. U. S. v. 18 Cases of Orange Beverage, 17 Cases of Limeade, 16 Cases of Lemon Beverage. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14984. I. S. Nos. 2122-t, 3486-t. S. No. C-3073.)**

On June 8, 1921, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 18 cases of orange beverage, 17 cases of limeade, and 16 cases of lemon beverage, remaining in the original unbroken packages at Calumet, Mich., alleging that the article had been shipped on or about October 25, 1920, by the Allouez Mineral Spring Co., Green Bay, Wis., and transported from the State of Wisconsin into the State of Michigan, and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Orange Artificial Color," "Limeade Artificial Color," and "Lemon Artificial Flavor and Color."

Adulteration of the articles was alleged in the libel for the reason that a certain substance had been substituted in whole or in part for the articles, namely, a product composed of beverage sweetened with saccharin (in case of orange and limeade artificially colored) had been mixed and packed with and substituted wholly or in part for a product made wholly from fruit, namely, from oranges, lemons, and limes, and for the further reason that said articles had been mixed and artificially colored in a manner whereby the inferiority of said articles was concealed. Adulteration was alleged for the further reason that the articles contained an added poisonous or deleterious ingredient, to wit, saccharin, which might render said articles of food injurious to health.

Misbranding was alleged in substance for the reason that the labeling of the articles bore certain statements, designs, and devices regarding such articles which were false and misleading in certain particulars, namely, that they purported to state and represent that the articles of food, namely, said orange beverage, limeade, and lemon beverage, so-called, were made wholly from fruit, namely, from oranges, limes, and lemons, when, in truth and in fact, they were not wholly a product of oranges, limes, and lemons, as the case might be. Misbranding was alleged in substance for the further reason that said articles were an imitation of and offered for sale under the distinctive names of other articles, namely, products of oranges, limes, and lemons.

On July 18, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10843. Adulteration of walnuts. U. S. v. 345 Bags of Walnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15184. I. S. No. 10835-t. S. No. W-994.)**

On July 13, 1921, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 345 bags of walnuts at Salt Lake City, Utah, alleging that the article had been shipped on or about April 13, 1921, by the Park Union Foreign Bank Co., Seattle, Wash., and transported from the State of Washington into the State of Utah, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Walnuts \* \* \* from Japan."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted of a filthy, decomposed, or putrid vegetable substance.

On September 23, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10844. Adulteration and misbranding of tea. U. S. v. 4 Cartons, Half-Pound Cans, of King George Flowery Orange Pekoe Tea, 8 Cartons of Bohea's Special Orange Pekoe Ceylon Tea, and 24 Half-Pound Cans of King George Scientifically Blended Green and Black Tea. Default decree of condemnation and forfeiture. Product ordered sold.** (F. & D. No. 15929. I. S. Nos. 4327-t, 4328-t, 4332-t. S. No. C-3399.)

On January 21, 1922, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 cartons, half-pound cans, of King George Flowery Orange Pekoe tea, 8 cartons of Bohea's Special Orange Pekoe Ceylon tea, and 24 half-pound cans of King George Scientifically Blended Green and Black tea at Fort Smith, Ark., alleging that the article had been shipped on or about June 4, 1921, by the Bohea Importing Co., Camden, Md., and transported from the State of Maryland into the State of Arkansas, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that other than the products stated and specified on the labels were used wholly or in part in lieu of the articles mentioned in the labels.

Misbranding was alleged in substance for the reason that the packages contained a less amount and inferior substance to what they purported to contain, and for the further reason that said article was offered for sale under the distinctive name of another article so as to deceive and mislead the purchaser, and that the same was falsely and knowingly mislabeled and misbranded so as to represent falsely to the purchaser thereof and create in the mind of the purchaser thereof the impression and belief that the article was composed of and contained the ingredients or food properties and value as set out on the label, when, in truth and in fact, it was not.

On August 2, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal at public auction.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10845. Misbranding of olive oil. U. S. v. 2 Cases, Gallon and Half-Gallon Cans, of Olive Oil. Default decree of condemnation and forfeiture. Product ordered sold.** (F. & D. No. 15546. I. S. Nos. 12816-t, 12817-t. S. No. W-1044.)

On January 27, 1922, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 case containing one-gallon cans and 1 case containing half-gallon cans of olive oil, remaining in the original unbroken packages at Hiawatha, Utah, alleging that the article had been shipped on or about September 14, 1921, by Andrea Russo & Co., Chicago, Ill., and transported from the State of Illinois into the State of Utah, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "One Gallon Net" or "Half Gallon Net Marca Diana Brand Superfine Olive Oil of Guaranteed Purity A. R. Co."

Misbranding of the article was alleged in the libel for the reason that the statement on the label, "One Gallon Net" or "Half Gallon Net," was false and misleading in that the net contents was not one gallon net or one-half gallon net, and for the further reason that the article was in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 28, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be so labeled and branded as to correctly designate the contents thereof and sold by the United States marshal at public auction.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10846. Misbranding of tea. U. S. v. 36 One-Pound Cans of Scientifically Blended Green and Black Tea and 336 One-Fourth-Pound Cans of Green and Black Tea. Default decree of condemnation and forfeiture. Product ordered sold.** (F. & D. No. 15966. I. S. Nos. 4338-t, 4339-t. S. No. C-3419.)

On February 3, 1922, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure



and condemnation of 36 one-pound cans of scientifically blended green and black tea and 336 one-fourth-pound cans of green and black tea at Fort Smith, Ark., alleging that the article had been shipped on or about January 7, 1920, by the Bohea Importing Co., Baltimore, Md., and transported from the State of Maryland into the State of Arkansas, and charging misbranding in violation of the Food and Drugs Act, as amended.

Misbranding of the article was alleged in substance in the libel for the reason that none of the cans contained 1 pound or  $\frac{1}{4}$  pound of tea, but, in truth and in fact, contained a less amount, and the statement, "One Pound Net Weight" or " $\frac{1}{4}$  Pound Net Weight," was false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On August 2, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal at public auction.

C. W. PUGSLEY, Acting Secretary of Agriculture.

**10847. Adulteration and misbranding of pink root. U. S. v. H. R. Lathrop & Co., Inc. Plea of guilty. Fine, \$25. (F. & D. No. 15999. I. S. No. 7873-t.)**

On March 20, 1922, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against H. R. Lathrop & Co., Inc., a corporation, doing business at New York, N. Y., alleging shipment by said company in violation of the Food and Drugs Act, on March 8, 1921, from the State of New York into the State of Pennsylvania of a quantity of pink root which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the presence of 10.2 per cent of genuine pink root, that is, the rhizomes and roots of *Spigelia marylandica* L., and 89.8 per cent of the rhizomes and roots of *Ruellia ciliosa*, Pursh.

Adulteration of the article was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, official at the time of investigation of the article, in that said article consisted in large part of a mixture of more than 10 per cent of foreign matter, namely, 89.8 per cent of the rhizomes and roots of *Ruellia ciliosa*, whereas said Pharmacopœia provides that pink root is the dried rhizome and roots of *Spigelia marylandica* Linné (Fam. loganiaceae), without the presence or admixture of more than 10 per cent of stems or other foreign matter, and the standard of strength, quality, and purity of the said article was not declared on the container thereof.

Misbranding was alleged for the reason that the statement, to wit, "221 Lbs. Pink Rt.," borne and labeled upon the said bale concerning the article and the substances and ingredients contained therein, was false and misleading in that said statement represented said bale as containing 221 pounds of pink root, to wit, 221 pounds of an article consisting of the dried rhizomes and roots of *Spigelia marylandica*, Linné (Fam. loganiaceae), without the presence or admixture of more than 10 per cent of stems or other foreign matter, whereas, in truth and in fact, said article did not consist of pink root, to wit, the dried rhizomes and roots of *Spigelia marylandica* Linné (Fam. loganiaceae), without the presence or admixture of more than 10 per cent of stems or other foreign matter, but consisted practically wholly of a mixture of more than 10 per cent of foreign matter, namely, 89.8 per cent of the rhizomes and roots of *Ruellia ciliosa*, and for the further reason that said article was a product consisting practically wholly of the rhizomes and roots of *Ruellia ciliosa*, prepared in imitation of and offered for sale under the name of another article, to wit, pink root, which the article purported to be.

On March 20, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

C. W. PUGSLEY, Acting Secretary of Agriculture.

**10848. Adulteration and misbranding of vinegar. U. S. v. 12 Barrels of Vinegar. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 16360. I. S. No. 6086-t. S. No. E-3888.)**

On July 25, 1922, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 12 barrels of vinegar, remaining in the unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped on April 25, 1922, by the National Vinegar Co., Brocton, N. Y., and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The barrels were labeled in part: "Pure Cider Vinegar Made From Apples Reduced with water 50% Acetic Acid \* \* \* Distributed by National Vinegar Company, Buffalo, N. Y."

Adulteration of the article was alleged in the libel for the reason that distilled vinegar and vinegar made from evaporated apple products had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the article.

Misbranding of the article was alleged for the reason that the statement, "Pure Cider Vinegar Made From Apples," was false and misleading and deceived and misled the purchaser, and for the further reason that said article was an imitation of and offered for sale under the distinctive name of another article, pure cider vinegar made from apples.

On August 3, 1922, the Brocton Products Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be delivered to said claimant upon payment of the costs of the proceedings and execution of bond in the sum of \$500, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10849. Adulteration of oranges. U. S. v. 396 Cases of Oranges. Decree of condemnation and forfeiture. Product ordered released on bond for sorting. (F. & D. No. 16739. I. S. No. 3856-v. S. No. C-3732.)**

On July 24, 1922, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 396 cases of oranges remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped on July 3, 1922, by the Randolph Marketing Co., Highland, Calif., and transported from the State of California into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. The cases were labeled: "Fiesta Brand," "Terrier Brand," "Bull Dog Brand," and "Pond Lily Brand."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance.

On July 27, 1922, C. H. Robinson Co., claimant, having admitted the material allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be released upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the product be sorted under the supervision of this department and the oranges found to be adulterated destroyed.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10850. Adulteration and misbranding of beans. U. S. v. 62 Cases and 46 Cases of George Van Camp's Red Kidney Beans. Decrees of condemnation and forfeiture. Product released under bond for re-labeling. (F. & D. Nos. 12278, 12508. I. S. Nos. 11032-r, 11033-r. S. Nos. C-1820, C-1831.)**

On or about March 15, 1920, and March 29, 1920, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 62 cases and 46 cases of George Van Camp's red kidney beans, so-called, remaining in the original unbroken packages at Flint and Saginaw, Mich., alleging that the article had been shipped on November 29, 1919, and November 4, 1919, respectively, by the George Van



Camp & Sons Co., Westfield, Ind., and transported from the State of Indiana into the State of Michigan, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "George Van Camp's Red Kidney Beans \* \* \* Packed by George Van Camp & Sons Company, Westfield, Indiana."

It was alleged in the libels that the article did not consist of red kidney beans, but consisted in whole or in part of long cranberry beans which had been mixed and packed with red kidney beans so as to injuriously affect their quality and had been substituted in whole or in part for red kidney beans, whereby, and in consequence of such substitution, mixing, and packing, said article of food was adulterated within the meaning of the Food and Drugs Act.

Misbranding of the article was alleged for the reason that the statement on the labels, "Red Kidney Beans," was false and misleading in that the article was not red kidney beans, but was in whole or in part long cranberry beans which were offered for sale under the name of red kidney beans, and which article was so labeled as to deceive and mislead the purchaser into believing that the same was red kidney beans.

On June 2, 1921, the cases having come on for disposition, judgments of condemnation and forfeiture were entered, and it was ordered by the court that if the George Van Camp & Sons Co., Westfield, Ind., should pay the costs of the proceedings and execute bond in the aggregate sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the product be relabeled to the satisfaction of this department as "Special Naga Uzura Kidney Beans," the said product might be released to said company.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

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